

**Announcement of Funding Opportunity
2014-2015
Statewide Universal Full-Day Prekindergarten Program**

Legislative Authority and Purpose of Grant Funds	Chapter 53 of the Laws of 2014 appropriates \$340 million for prekindergarten grants to incentivize and fund universal full-day prekindergarten programs, in accordance with Section 3602-ee of the Education Law. Proposals must demonstrate innovation and high quality as well as address student and community need.
Project Period and Payment of Awards	<p>July 1, 2014, – June 30, 2015</p> <p>The New York State Education Department (“Department”) will make payment of awarded funds upon documentation of eligible expenditures following the close of the grant period, provided that up to 25% of a school district’s and/or eligible entity’s awarded funds will be made available in the final quarter of the school year in which the services are provided as an advance on subsequent school year liabilities. This results in state funds first being made available as soon as April 2015. The remaining funds of a school district’s and/or eligible entity’s awarded funds will be made available after June 30, 2015, following the review and approval of annual program and fiscal reports required by the Department. Grant funds and associated expenditures of these grant funds for the Statewide Universal Full-Day Prekindergarten Program must be separately accounted and not commingled with other funds, and in the case of a school district funds must be maintained in, and expenditures made from, a special revenue (special aid) fund. Grantees will have the opportunity to renew funding on an annual basis provided the programs meet quality standards and all applicable requirements, and subject to the annual appropriation of funds in the State budget for this purpose. Payments for programs operated in the 2015-2016 school year will be made through a similar payment schedule, subject to the requirements of statutory language. The project period for subsequent awards will be one year from July 1st through June 30th.</p>
Eligible Applicants	<ol style="list-style-type: none"> 1. <i>Consolidated Applications:</i> Individual School Districts may submit a consolidated application, which includes programs offered by schools, non-profit organizations, community-based organizations,¹ charter schools, libraries and/or museums that demonstrate a geographic diversity within the area to be served as well as diversity of providers; and 2. <i>Individual Applications:</i> Non-profit organizations, community-based organizations, charter schools, libraries and museums may apply individually if the provider has been denied inclusion in the school district’s consolidated application. In order to be eligible to apply individually, the provider must provide written verification from the school district of having been denied inclusion in a school district’s consolidated application. <p>Pursuant to New York State’s Grants Reform requirements, not-for-profit organizations interested in doing business with the state must prequalify in order to apply for a competitive grant. Please see the section of the RFP called <u>“Prequalification for Individual Applications.”</u> Pursuant to Article 15-A of the NYS Executive Law, all applicants are required to comply with the Department’s Minority and Women-Owned Business Enterprise (M/WBE) participation goals. Please see the section of the RFP</p>

¹ Eligible community-based organizations include existing providers of child care and early education, licensed or registered day care providers, Head Start programs, nursery schools, preschool special education (4410) providers, BOCES, non-public schools, libraries and museums.

	called “ <u>Minority and Women-Owned Business Enterprise (M/WBE) Participation Goals Pursuant to Article 15-A of the New York State Executive Law.</u> ”
Questions and Answers	Questions about this RFP must be sent to nysufdpk@mail.nysed.gov on or before June 5, 2014 . A written Questions and Answers Summary will be posted by June 13, 2014 to http://www.p12.nysed.gov/funding/currentapps.html .
Mandatory Notice of Intent for School Districts’ Consolidated Application	To assist the Department in planning for the grant review process and expediting the announcement of awards, school districts that intend to submit a proposal must submit a Notice of Intent via E-Mail to nysufdpk@mail.nysed.gov no later than June 19, 2014 . The Department will post on its website by June 19, 2014 , a list of districts that submitted the mandatory Notice of Intent to apply for these funds. This posting will serve as a notification of denial for an eligible entity located in a school district that chooses not to apply for these funds, allowing said eligible entity to apply directly to the Department (see page 5 for more information).
Application Due Date	<p><u>One (1) original and three (3) paper copies of a complete application must be received by the Department by 12:00 PM by July 11, 2014.</u></p> <p>Deliver application packages to:</p> <p>New York State Education Department Attn: Contract Administration Unit Richard Duprey, GC RFP #14-011 89 Washington Avenue, Room 501 EBA Albany, NY 12234</p> <p>Applications should also be submitted to the Department via e-mail to nysufdpk@mail.nysed.gov. The file format can be in PDF or Word/Excel. The subject line of the email should read as follows: GC RFP #14-011 and the legal name of provider organization.</p>
Appendices	<p>Appendix A: Standard Clauses for NYS Contracts</p> <p>Appendix A-1 G: General Assurances</p> <p>Appendix B: Statement of Assurances</p> <p>Appendix C-1: Applicant Information Form</p> <p>Appendix C-2: Grant Calculator Form</p> <p>Appendix C-3: Supplement and Not Supplant Reporting</p> <p>Appendix D: Collaboration Variance Request Form</p>

The State Education Department does not discriminate on the basis of age, color, religion, creed, disability, marital status, veteran status, national origin, race, gender, genetic predisposition or carrier status, or sexual orientation in its educational programs, services and activities. Portions of any publication designed for distribution can be made available in a variety of formats, including Braille, large print or audiotape, upon request. Inquiries regarding this policy of nondiscrimination should be directed to the Department’s Office for Diversity, Ethics, and Access, Room 530, Education Building, Albany, NY 12234.

PURPOSE

The purpose of the Statewide Universal Full-Day Prekindergarten Program is to incentivize and fund state-of-the-art innovative prekindergarten programs and to encourage creativity through competition. Programs that enhance child development and demonstrate creative approaches to early childhood education will have a competitive advantage in the application process. Grant funds will be awarded to eligible entities that submit consolidated and individual applications that create new, full-day prekindergarten placements or convert existing half-day placements to full-day placements that meet new program requirements under the law. This prekindergarten grant program will also ensure high-quality early care and education by requiring all grantees to demonstrate quality program standards.

Studies show that children who participate in high-quality early care and education programs are far more likely to read at grade level and graduate from high school² and that quality full-day prekindergarten programs in particular are credited with producing significant increases in student performance in math and reading for participating students by the second grade as well as decreasing the rates of grade retention.³ Research indicates that as much as one-half of the achievement gap is already established before students enter the first grade.⁴ Investing in high-quality prekindergarten programs has been demonstrated to have a positive long-term impact on children's life outcomes, narrow the achievement gap between poor and affluent youth, and provide benefits to children and taxpayers that outweigh their cost. High-quality prekindergarten programs, especially those that provide full-day services, will help those students stay on track to graduate from high school and, over the long term, significantly reduce costs for remedial education, social services, health and criminal justice programs.⁵ In addition, existing research supports the idea that early, high-quality exposure to multiple languages results in enhanced child language outcomes across each of the languages.⁶

The Statewide Universal Full-day Prekindergarten Program will create new full-day prekindergarten placements and convert existing half-day placements to full-day placements that meet new program requirements under the law. For consolidated applications, a child eligible for such placement is a child who resides within the school district and who is four years of age on or before December 1st of the year in which he or she will be enrolled or who will otherwise be first eligible to attend public school kindergarten the following school year in their school district of residence. For individual applications, the child must reside in a New York school district and be four years of age on or before December 1st of the year in which he or she will be enrolled or who will otherwise be first eligible to attend public school kindergarten the following school year in their school district of residence.

² The Pew Charitable Trusts (2010). *The Costs of Disinvestment: Why States Can't Afford to Cut Smart Early Childhood Programs*. April 2010.

³ Ackerman, D., and Barnett, W.S., 2006. *Increasing the Effectiveness of Pre-K Programs*. New Brunswick, NJ: Rutgers University, National Institute for Early Education Research.

⁴ David T. Burkam and Valerie Lee, "Inequality at the Starting Gate" (Washington, DC: Economic Policy Institute, 2002); U.S. Department of Education, National Center for Education Statistics, "Entering Kindergarten: A Portrait of American Children When They Begin School: Findings from the Condition of Education" (Washington, DC: U.S. Department of Education, National Center for Education Statistics, 2000); Nicholas Zill and Jerry West, "NCES 2001-35" (Washington, DC: U.S. Government Printing Office, 2001).

⁵ Haskins, R. & Rouse, C. "Closing Achievement Gaps" *The Future of Children*. Policy Brief: Spring 2005.

⁶ Kovelman, I., Baker, S.A., and Petitto, L.A., 2008. Bilingual and Monolingual Brains Compared: A Functional Magnetic Resonance Imaging Investigation of Syntactic Processing and a Possible "Neural Signature" of Bilingualism. *J Cogn Neurosci*. January; 20(1): 153-69.

PROGRAM FUNDING

A total of \$340 million will be available to fund grants for the 2014-2015 school year. Prekindergarten seats awarded through this competition and filled during the grant period will continue to be renewed in subsequent years provided the program meets the quality standards and all applicable requirements. Programs operating under this grant must provide instruction for at least five hours per school day for the entire school year (which must at a minimum include 180 days per school year). Grant funding must be used only to supplement, not supplant, existing prekindergarten programs.

A total of \$300 million has been allocated to the New York City region for this application and \$40 million has been allocated cumulatively for the nine other regions of New York State. New York State regions are defined as:

1. **Capital Region**: Albany, Columbia, Greene, Rensselaer, Saratoga, Schenectady, Warren and Washington Counties;
2. **Central New York Region**: Cayuga, Cortland, Madison, Onondaga, and Oswego Counties;
3. **Finger Lakes Region**: Genesee, Livingston, Monroe, Ontario, Orleans, Seneca, Wayne, Wyoming and Yates Counties;
4. **Long Island Region**: Nassau and Suffolk Counties;
5. **Mid-Hudson Region**: Dutchess, Orange, Putnam, Rockland, Sullivan, Ulster and Westchester Counties;
6. **Mohawk Valley Region**: Fulton, Herkimer, Montgomery, Oneida, Otsego, and Schoharie Counties;
7. **New York City Region**: Bronx, Kings, New York, Queens and Richmond Counties;
8. **North Country Region**: Clinton, Essex, Franklin, Hamilton, Jefferson, Lewis and St. Lawrence Counties;
9. **Southern Tier Region**: Broome, Chemung, Chenango, Delaware, Schuyler, Steuben, Tioga and Tompkins Counties; and
10. **Western New York Region**: Alleghany, Cattaraugus, Chautauqua, Erie, and Niagara Counties.

Awards will be made for full-day prekindergarten conversion slots and new full-day prekindergarten slots based on the available funding. Awards per pupil for a school district or an eligible entity shall be calculated in the following manner:

New full-day prekindergarten placements:

- \$10,000 per pupil for pupils enrolled in programs where the classroom teacher of record holds a teaching license or certificate valid for service in the early childhood grades or a teaching license or certificate for students with disabilities valid for service in the early childhood grades.
- \$7,000 per pupil for pupils enrolled in programs where the classroom teacher of record does NOT hold a teaching license or certificate valid for service in the early childhood grades or a teaching license or certificate for students with disabilities valid for service in the early childhood grades.

Conversion of half-day prekindergarten placements to a full-day prekindergarten placement:

- School districts will receive a per pupil award amount equal to the difference between the full-day prekindergarten per pupil award amount (as described above) and the half-day prekindergarten per pupil amount the district would receive under the current UPK program.

Grantees will receive up to the full-day prekindergarten per pupil amount or their approved expenditures per pupil, whichever is less. To the extent that the award exceeds a school district's actual amount of approved per pupil expenditures, the school district will receive a grant award totaling their approved expenditures per pupil. The teacher of record is defined as the teacher who is primarily and directly responsible for a student's learning activities.⁷

Supplemental Funds

An applicant seeking to create new and/or conversion universal full-day pre-kindergarten slots pursuant to subdivision 14 of section 3602-ee of the education law may, in addition to the per-pupil amounts listed in such subdivision, seek supplemental funds from the appropriation in order to: (1) ensure a system-wide state-of-the-art innovative pre-kindergarten program by enhancing the quality of existing full-day pre-kindergarten slots, which may include, but not be limited to, workforce development support, ongoing professional development, or extending their school day; and/or (2) paying one-time start-up costs that advance program quality in the creation of new and/or conversion universal full-day pre-kindergarten slots. Such supplemental funds shall only be used to supplement and not supplant current local expenditures of federal, state or local funds on pre-kindergarten programs and the number of slots in such programs from such sources; current local expenditures shall include any local expenditures of federal, state or local funds used to supplement or extend services provided directly or via contract to eligible children enrolled in a universal pre-kindergarten program pursuant to section 3602-e of the education law. The maximum allowable expenditure by an applicant pursuant to (1) shall be limited to \$1 for every \$2 expended by the applicant to create new and/or conversion universal full-day pre-kindergarten slots pursuant to subdivision 14 of section 3602-ee of the education law which may be in addition to the per-pupil amounts listed in such subdivision, and the maximum allowable expenditure by an applicant pursuant to (2) shall be limited to \$1 for every \$3 expended by the applicant to create new and/or conversion universal full-day pre-kindergarten slots pursuant to subdivision 14 of section 3602-ee of the education law which may be in addition to the per-pupil amounts listed in such subdivision.

ELIGIBLE APPLICATIONS

1. Consolidated Application

Individual School Districts may submit a consolidated application, which includes prekindergarten programs offered by schools, non-profit organizations, community-based organizations,⁸ charter schools, libraries and/or museums.

Prior to submission of a consolidated application, a school district is required to widely solicit non-profit organizations, community-based organizations, charter schools, libraries and museums within the school district to be included in its application for the Statewide Universal Full-Day Pre-Kindergarten Program. The school district's solicitation must provide all of these eligible entities,⁹ including entities with which the school district has an existing Universal Prekindergarten Program (UPK) agreement, an opportunity to request to be part of a school district's consolidated application for the Statewide

⁷ An on-site education director may not be the teacher of record for a prekindergarten program. The teacher of record is the classroom teacher.

⁸ Eligible community-based organizations include existing providers of child care and early education, licensed or registered day care providers, Head Start programs, nursery schools, preschool special education (4410) providers, BOCES, non-public schools, libraries and museums.

⁹ For purposes of this Request for Proposals, eligible entities are defined as non-profit organizations, community-based organizations, charter schools, libraries, and museums.

Universal Full-Day Prekindergarten Program. The Department encourages applications that include collaboration with approved programs for preschool students with disabilities.

A preschool program that is operated by a faith-based agency may collaborate with a school district as part of the district's prekindergarten program. However, the district must ensure that the prekindergarten program is conducted within constitutional parameters. Therefore, no prekindergarten funds can be used in support of religious instruction.

School districts must notify in writing any applicant who has been denied inclusion in the consolidated application so that such denial is received no later than two weeks prior to the school district's submission of such application. Such notice must state the reason for denial of the applicant's request to be a part of the consolidated application.

The consolidated application submitted by the school district is required to demonstrate geographic diversity within the area to be served as well as diversity of providers to ensure that the unique needs of each community within a school district are best served. At a minimum, the consolidated application submitted by the school district must set aside not less than 10 percent of the total grant award for the provision of the instructional program through collaborative efforts with non-profit organizations, community-based organizations, charter schools, libraries and/or museums. Depending on the needs of the individual community, achieving this minimum 10 percent of the threshold (total amount of the grant award) may not sufficiently demonstrate that the programs included in the consolidated application achieve geographic diversity in the area to be served or a diversity of providers. As a requirement of participating in this grant, school district applicants must consider the needs of its community and assure that its application demonstrates geographic diversity and diversity of providers (see Appendix B: Statement of Assurances).

If a district is not able to establish a collaborative arrangement or enough collaborative arrangements to meet the 10 percent threshold, the district may submit an individual application or consolidated application that does not reflect this arrangement but such application must include a variance request (see Appendix D: Collaboration Variance) with a written description of its solicitation and a statement explaining that the district was unable to include other eligible entities in its application based on the unavailability of eligible and/or interested non-profit organizations, community-based organizations, charter schools, libraries and/or museums willing to collaborate, or based on other factors beyond the control of the school district.

School districts may include entities with which they may have existing Universal Prekindergarten Program (UPK) agreements in the consolidated application for the Statewide Universal Full-Day Prekindergarten Program. Please note that, based on the provisions of Education Law § 3602-ee (as added by Chapter 56 of the Laws of 2014), the program requirements of the Statewide Universal Full-Day Prekindergarten Program will differ in some aspects from the UPK program requirements. Therefore, some of the new requirements established in Education Law § 3602-ee may not have been included as part of a school district's existing UPK program requirements or UPK provider selection process. To the extent such programs are included in a school district's consolidated application for the Statewide Universal Full-Day Prekindergarten Program, the district will be required to provide an assurance that its district program and each program offered by an eligible entity participating in its consolidated application meet the program requirements of the Statewide Universal Full-Day Prekindergarten Program in order to be awarded funding.

As a condition to participating in this grant, the school district applicant is required to assure that it and each eligible entity participating in its consolidated application will adopt and implement approved quality standards in accordance with this RFP (See Appendix B: Statement of Assurances). The process by which eligible entities submit proposals to collaborate with the school district, as well as the renewal process for such providers, must take into account the program's record of quality, if available, any violations of health and safety codes and/or licensure or registration requirements. Each consolidated application must include the names of individual locations and providers, applicable licenses, facility lease information, and intended staffing plans and certifications. (see Appendix C-1: Application Information)

2. Individual Application

Non-profit organizations, community-based organizations, charter schools, libraries and museums may apply individually if the eligible entity has been denied for inclusion in the school district's consolidated application. In order to be eligible to apply individually to the Department, the eligible entity must provide written verification from the school district of having been denied inclusion in a school district's consolidated application. In anticipation that the Department will issue two application periods in advance of the start of the 2014 school year, for the purposes of minimizing the administrative burden placed on school districts as well as eligible providers, a denial letter for cause by a school district may be used by the applicant to apply to the Department's second procurement so long as said procurement is for services to be rendered at the start of the 2014 school year. If a school district does not apply for the grant, eligible entities can still apply individually. The Department will post a list of school districts that have submitted the Mandatory Notice of Intent on the following link: <http://www.p12.nysed.gov/funding/currentapps.html> by June 17, 2014. In the event that a Mandatory Notice of Intent is not submitted to the Department by a school district, the Department will consider an individual application submitted by an eligible entity located in such school district to be denied inclusion in the school district's consolidated application, without the need for the school district to provide notice to the eligible entity or for the eligible entity to provide written verification to the Department.

In addition, any eligible entity that submits an individual application to the Department should also notify the respective school district of its application submission.

All school districts and eligible entities participating in the Statewide Universal Full-Day Prekindergarten Program, must provide equal access to preschool children who have disabilities, who are English Language Learners (ELLs) and who are economically disadvantaged and, therefore, must demonstrate good faith efforts to recruit and retain such students.

Charter schools are eligible to participate in the Statewide Universal Full-Day Prekindergarten Program as either part of the consolidated application or as an individual applicant. A Statewide Universal Full-Day Prekindergarten program operated by a charter school is not considered to be an expansion of a grade level of the charter school and therefore, does not need to revise its charter to operate such prekindergarten program. Since a participating charter school must be able to comply with the enrollment and retention targets for students with disabilities, ELLs, and students who are eligible applicants for the free and reduced price lunch program in grades kindergarten through 12, it needs to make recruitment efforts for prekindergarten students that are similar to those employed in the elementary grades.

Education Law § 2854(2)(b) sets forth the application and admission requirements for charter schools, including lottery requirements. It is important to note, that for the 2014-15 school year only, pre-kindergarten

children may submit applications to attend a Statewide Universal Full-Day Prekindergarten program operated by a charter school by a date to be determined by the charter school. If the number of applicants exceeds the number of available seats, a random public lottery must be held, in accordance with Section 119.5 of the Commissioner's Regulations.

The Department will establish a second application period following the first application period for school districts and eligible entities. However, the Department strongly encourages interested parties to submit applications within the first application period due to the fact that awards made during any subsequent application period would be contingent upon available funding.

PROGRAM REQUIREMENTS

Chapter 56, Part CC, Section 1 of the Laws of 2014 establishes several requirements that school districts and/or eligible agencies must meet or assure to be eligible to receive a Statewide Universal Full-Day Prekindergarten grant.

1. Successful applicants must demonstrate quality in the following eight standard areas: curriculum; learning environment, materials and supplies; family engagement and support; staffing patterns; teacher education and experience; facility quality; physical well-being, health and nutrition; and partnerships with non-profit, community and educational institutions. Programs that provide more stimulation, enhance child development and demonstrate creative approaches to improve early childhood education in these eight quality standard areas will receive a competitive advantage in the application process.
2. Each program must provide instruction for at least five hours per school day for the full school year.
3. Statewide Universal Full-Day Prekindergarten Programs may only be used to supplement and not supplant current local expenditures of federal, state, or local funds on prekindergarten programs and the number of slots in such programs from such sources. Current local expenditures shall include any local expenditures of federal, state, or local funds used to supplement or extend services provided directly or via contract to eligible children enrolled in a universal prekindergarten program pursuant to Section 3602-e of the Education Law.
4. Facilities providing the Statewide Universal Full-Day Prekindergarten Program must meet all applicable fire safety and building codes and any applicable facility requirements of a state or local licensing or registering agency and at all times must maintain building and classroom space in a manner that ensures and protects the health and safety of students.
5. The application and renewal process, either the process by which applicants submit proposals to collaborate with a school district or individually to the Department must take into account any record of a violation of health and safety codes and/or licensure or registration requirements of the collaborating non-profit organizations, community-based organizations, charter schools, libraries and museums.
6. Prekindergarten teachers providing instruction as part of this program shall possess:
 - a. A teaching license or certificate valid for service in the early childhood grades pursuant to Part 80 of 8 NYCRR including, but not limited to, Early Childhood Education (Birth - Grade 2), Prekindergarten - Grade 6 or Nursery, Kindergarten – Grade 6; or a teaching license or

certificate for students with disabilities valid for service in early childhood grades pursuant to Part 80 of 8 NYCRR.

- b. Prekindergarten teachers employed by non-profit organizations, community-based organizations, libraries and/or museums must have a bachelor's degree in early childhood education or a related field and must have a written plan to obtain certification valid for service in the early childhood grades as follows:
 - i. For teachers hired on or after March 31, 2014, within three years after commencing employment, at which time such certification shall be required for employment;
 - ii. For teachers hired prior to March 31, 2014, by no later than June 30, 2017, at which time such certification shall be required for employment.
 - c. Prekindergarten teachers employed by charter schools under this program will be included in the teaching staff of a charter school for purposes of the limitations on the employment of uncertified teachers under section 2854(3)(a-1) of the NYS Charter Schools Act (Article 56 of the Education Law).
7. Except as otherwise provided, all Statewide Universal Full-Day Prekindergarten Programs must comply with all the same rules and requirements as UPK programs funded pursuant to Section 3602-e of Education Law. Subpart 151-1 of 8 NYCRR establishes requirements that apply to all UPK programs, including both district-operated and eligible agency-operated classrooms. Applicants must incorporate the implementation of these requirements in their program design. The UPK regulations and guidance for districts implementing a prekindergarten program can be found on SED's website at <http://www.p12.nysed.gov/upk/>.

Annual Inspections of All Statewide Universal Full-Day Prekindergarten Program Providers

The Department will develop a statewide inspection protocol, which will provide for annual inspections of all Statewide Universal Full-Day Prekindergarten providers, and will develop a quality assurance protocol and physical plant review protocol.

As a requirement for participation in the program pursuant to this RFP, all providers will be inspected not less than twice per school year. These inspections may be performed by the Department, the school district with which a program partners, if any, and its respective licensing, permitting, regulatory, oversight, registration or enrolling agency. At least one such inspection must be performed by the provider's licensing, permitting, regulatory, oversight, registration or enrolling agency. In the case of a program operated by a charter school, all monitoring, programmatic review and operational requirements required by Section 3602-ee of the Education Law are the responsibility of the charter entity for the charter school, consistent with the requirements under Article 56 of the Education Law. All programs must provide access to all records, property and personnel related to the program during the inspection.

Statewide Universal Full-Day Prekindergarten Program Renewal, Suspension, and Termination

Award recipients will continue to have utilized seats renewed in subsequent years provided that the program meets quality standards and all applicable requirements, subject to the annual appropriation of funds in the State budget for this purpose. Any agency that is cited for a violation classified as "imminent danger" by the New York State Office of Children and Family Services, or as a "public health hazard" by the New York City Department of Health and Mental Hygiene, which is not immediately corrected and which is not of a life threatening or of a grave and serious nature will be suspended from the program and, upon final determination of such violation by the regulating agency, suspended or terminated from

participation in the program based on the severity of the violation. Based on statewide standards established by the Office of Children and Family Services, eligible agencies with a record of other serious or critical and/or repeated violations that pose a risk to health or safety will be suspended or terminated from participating in the program.

Expenditures Allowed under the Grant

Approved expenditures means any expenses incurred any time during the project period for which grant funds may be used and include, but are not limited to, program components, quality improvement activities; professional salaries; professional development; support services; materials and supplies; meals and snacks to meet the nutritional needs of children, administrative support services; transportation services; leasing expenses; or other appropriate facilities expenses; and other costs as approved by the Commissioner. Pursuant to §§ 1712, 2514, and 2555 of the Education Law, no parent and/or guardian of a child participating in a prekindergarten program should be subjected to a fee/charge for the instructional program.

Indirect Cost Cap

School districts, charter schools, BOCES and not-for-profit organizations may include indirect costs in the budget. Indirect costs are costs of activities that benefit more than one program or objective and, therefore cannot be readily assigned to only one specific program or objective. Indirect costs are generally classified under functional categories such as general maintenance and operation expenses, general office and administration expenses, general overhead expenses and other allowable general expenses.

- **School districts and BOCES** must use the restricted indirect cost rates calculated by the State Education Department.
- **Not-For-Profit Community-Based Organizations (CBOs) and Charter Schools** must prepare their budgets using an indirect cost rate of up to 2.6 percent. If they are notified that they have been selected to receive an award, they may apply for a higher indirect cost rate of up to 8 percent, by completing and submitting an FS-87-R Form to the Department. Note that approval for a higher indirect cost rate must be requested and approved each year. The Form may be obtained by calling Grants Finance at 518-474-4815.

For more information, visit the website: <http://www.oms.nysed.gov/cafe/guidance/faqs.html#indirect>.

Budget (FS-20) and Funding

Applicants must submit a proposed budget on the FS-20 Budget Form with this application for the project period of 7/01/14 – 6/30/15. This budget and a budget narrative will be reviewed and scored. Budgeted costs must be in compliance with applicable State laws and regulations and the Department's Fiscal Guidelines. These guidelines, as well as the FS-20 form, are available online at <http://www.oms.nysed.gov/cafe>. The FS-20 must bear the original signature of the Chief School/Administrative Officer or Chief Executive Officer, as applicable.

In addition to the guidance provided under "Expenditures Allowed under the Grant" section of this RFP, information about the categories of expenditures and general information on allowable costs, applicable cost principles and administrative regulations are available in the Fiscal Guidelines for Federal and State Aided Grants at <http://www.oms.nysed.gov/cafe/guidance/guidelines.html>.

The budget should be reasonable and appropriate to cover program expenses. Grantees will submit, on an annual basis, an FS-20 form for each subsequent program year. For more information, visit the website <http://www.oms.nysed.gov/cafe/guidance/faqs.html#indirect>.

Budget Transfers

Consistent with the Fiscal Guidelines for Federal and State Grants, budget transfers must be requested using Form FS-10-A: Proposed Amendment for a Federal or State Project. Funds must not be expended until the budget amendment has been approved in writing. Failure to follow the procedures outlined above may result in the disallowance of all expenditures not previously approved by the Department.

Timetable for Payment

The Department will make payment of awarded funds upon documentation of eligible expenditures following the close of the grant period provided that up to 25% of a school district's and/or eligible entity's awarded funds will be made available in the final quarter of the school year in which the services are provided as an advance on subsequent school year liabilities. This results in state funds first being made available as soon as April 2015. The remaining funds of a school district's and/or eligible entity's awarded funds will be made available after June 30, 2015, following the review and approval of annual program and fiscal reports required by the Department (see page 12 of this RFP for more information). Grant funds and associated expenditures of these grant funds for the Statewide Universal Full-Day Prekindergarten Program must be separately accounted and not commingled with other funds, and in the case of a school district funds must be maintained in, and expenditures made from, a special revenue (special aid) fund.

Grantees will have the opportunity to renew funding on an annual basis provided the programs meet quality standards and all applicable requirements and subject to the annual appropriation of funds in the State budget for this purpose. Payments for programs operated in the 2015-2016 school year will be made through a similar payment schedule unless changes need to be made to reflect changes in statutory language. The project period for subsequent awards will be one year from July 1st through June 30th. The total and final reimbursement payment occurs upon the approval of the Final Program and Expenditure Reports (FS-10F).

Procurement Timeline

May 30, 2014: The Request for Proposals will be issued.

June 5, 2014: Questions due to the Department.

June 13, 2014: Q&A is posted on the Department's website at <http://www.p12.nysed.gov/funding/currentapps.html>.

June 19, 2014: School Districts must submit a Notice of Intent to the Department.

June 20, 2014: Deadline for School Districts to notify eligible agencies stating that such eligible agencies will not be included into the School District's consolidated application.

July 11, 2014, at 12:00 P.M.: **Deadline for Applications to be received by the Department.**

Only complete applications will be reviewed. A complete application must include all items on the Application Checklist in the order listed on the checklist.

The Department will establish a second application period following the first application period for school districts and eligible entities. However, the Department strongly encourages interested parties to submit applications within the first application period due to the fact that awards made during any subsequent application period would be contingent upon available funding.

Method of Award

Preference will be given to applicants that demonstrate student and community need and provide more stimulation, enhance child development and demonstrate creative approaches to improve early childhood education in the eight quality program standards. Student and community need includes, but is not limited to, attention to preschool students with disabilities and English language learners.

Each eligible proposal will be scored by at least two reviewers. Each reviewer will score the proposal according to the indicated point criteria in the Proposal Submission and the Budget. If individual scores are more than 15 points apart, another reviewer will rate the application. The two scores mathematically closest to each other will be averaged for the final score unless the difference between the third review score and the first two are equidistant; in which case the third reviewer's score will solely be used.

Proposals that receive a final average score of 65 points or more will be considered for funding.

If the Department receives applications meeting the average score requirement requesting, in the aggregate, funding of (i) more than \$300 million for New York City or (ii) more than \$40 million for Rest of State, it shall constitute an oversubscription for purposes of N.Y. Education Law § 3602-ee. If there is no oversubscription, awards will be made starting with the highest scoring proposal in rank order.

In the case of an oversubscription in New York City, Rest of State, or both, the Department will notify the Division of Budget ("DOB") that there has been an oversubscription, and, for applicants in the oversubscribed region(s), will provide DOB with de-identified data on each applicant's:

- Region;
- Urban, suburban or rural district status;
- Provider type (school district, non-profit organization, community-based organization, charter school, library, or museum); however, if in any applicable region there is at least 1 but fewer than 5 fundable applicants of any of the following – non-profit organization/community-based organization, charter school, or cultural institution (library or museum) – the information provided for applicants in that region shall simply be whether the applicant is a school district applicant or non-school district applicant;
- Applicant overall score;
- Number of slots requested;
- Amount of funding requested;
- Amount of supplemental funds requested;
- Applicant score on the relevant "school district need" rubric element; and
- Applicant score on the relevant "community need" rubric element.

Upon notification that there is an oversubscription in New York City, Rest of State, or both, the Division of Budget shall develop a plan for distribution of available slots and supplemental funds based on each applicant's score, regional diversity, student and district need, diversity of providers, and whether funding will be used for new and/or conversion slots or as supplemental funding, based on a reasonable methodology established and specified in the DOB plan. **Such methodology, not simply overall score, shall be used to determine which applicants are awarded funding, and their level of funding, in any oversubscribed region(s).**

School District or Individual Governing Body Responsibility

Statewide Universal Full-Day Prekindergarten programs must operate under the jurisdiction of the local board of education or, in the case of individual applicants, the-appropriate governing body, and are subject to at least the same degree of accountability as all other expenditures of the local agency. The local board of education, or other appropriate governing body, is responsible for the proper disbursement of, and accounting for project funds. Written agency policy concerning wages, mileage and travel allowances, overtime compensation, or fringe benefits, as well as State rules pertaining to competitive bidding, safety regulations and inventory control must be followed. Supporting or source documents are required for all grant-related transactions entered into the local agency's recordkeeping systems. Source documents that authorize the disbursement of grant funds consist of purchase orders, contracts, time and effort records, delivery receipts, vendor invoices, travel documentation and payment documents.

Supporting documentation for grants and grant contracts must be kept for at least six years after the last payment was made unless otherwise specified by program requirements. Additionally, audit or litigation will "freeze the clock" for records retention purposes until the issue is resolved. All records and documentation must be available for inspection by State Education Department officials or its representatives.

For additional information about grants, please refer to the Fiscal Guidelines for Federal and State Aided Grants, <http://www.oms.nysed.gov/cafe/guidance>.

Reporting

As a condition of continued receipt of grant funds, grantees will be required to submit annual program and fiscal reports to the Department in a prescribed format.

Program Reporting: Grantees will be required to submit a report at the end of the grant period but no later than July 31st of each year assuring that programs included in this application meet quality standards and all applicable requirements contained in this RFP.

Fiscal Reporting: Grantees will be required to report expenditure data and student enrollment data at the end of the grant period. Thirty days following the end of the grant period, grant recipients will be expected to complete an FS-10-F long form (<http://www.oms.nysed.gov/cafe/forms/>). Additionally, grantees will be required to submit updated Applicant Information and Grant Calculator forms to reflect the actual number of prekindergarten pupils served (computed in the same manner used to count prekindergarten pupils in the Universal Prekindergarten program), information about the prekindergarten sites, and confirmation of the certification status on the program's teachers. Also, as part of end of grant period reporting, grant recipients will be required to certify that grant funds were used to supplement and not supplant current local expenditures of federal, state or local funds on prekindergarten programs and the number of slots in such programs from such sources. Current local expenditures shall include any local expenditures of federal, state or local funds used to supplement or extend services provided directly or via contract to eligible children enrollment in a universal prekindergarten program pursuant to section 3602-e of the Education Law. Some additional information and reporting may be required, as determined by the Commissioner.

PREQUALIFICATION FOR INDIVIDUAL APPLICATIONS

Pursuant to the New York State Division of Budget Bulletin H-1032, dated June 7, 2013, New York State has instituted key reform initiatives to the grant contract process which require not-for-profits to register in the Grants Gateway and complete the Vendor Prequalification process in order for proposals to be evaluated. Information on these initiatives can be found on the [Grants Reform Website \(http://www.grantsreform.ny.gov/\)](http://www.grantsreform.ny.gov/).

Proposals received from not-for-profit applicants that have not Registered and are not Prequalified in the Grants Gateway on the proposal due date of 3:00 PM on 07/07/14 cannot be evaluated. Such proposals will be disqualified from further consideration.

Below is a summary of the steps that must be completed to meet registration and prequalification requirements. The [Vendor Prequalification Manual](http://www.grantsreform.ny.gov/sites/default/files/docs/VENDOR_POLICY_MANUAL_V.2_10.10.13.pdf) (http://www.grantsreform.ny.gov/sites/default/files/docs/VENDOR_POLICY_MANUAL_V.2_10.10.13.pdf) on the Grants Reform Website details the requirements and an [online tutorial](http://grantsreform.ny.gov/youtube) (<http://grantsreform.ny.gov/youtube>) are available to walk users through the process.

1) Register for the Grants Gateway.

- On the Grants Reform Website, download a copy of the [Registration Form for Administrator](http://grantsreform.ny.gov/sites/default/files/RegistrationFormforAdministratorfillable.pdf) (<http://grantsreform.ny.gov/sites/default/files/RegistrationFormforAdministratorfillable.pdf>). A signed, notarized original form must be sent to the Division of Budget at the address provided in the instructions. You will be provided with a Username and Password allowing you to access the Grants Gateway.
- If you have previously registered and do not know your Username please email grantsreform@budget.ny.gov. If you do not know your Password please click the [Forgot Password](#) (https://grantsgateway.ny.gov/IntelliGrants_NYSGG/PersonPassword2.aspx?Mode=Forgot) link from the main log in page and follow the prompts.

2) Complete your Prequalification Application.

- Log in to the [Grants Gateway](https://grantsgateway.ny.gov/IntelliGrants_NYSGG/login2.aspx) (https://grantsgateway.ny.gov/IntelliGrants_NYSGG/login2.aspx) **If this is your first time logging in**, you will be prompted to change your password at the bottom of your Profile page. Enter a new password and click SAVE.
- Click the *Organization(s)* link at the top of the page and complete the required fields including selecting the State agency you have the most grants with. This page should be completed in its entirety before you SAVE. A *Document Vault* link will become available near the top of the page. Click this link to access the main Document Vault page.
- Answer the questions in the *Required Forms* and upload *Required Documents*. This constitutes your Prequalification Application. Optional Documents are not required unless specified in this Request for Proposal.
- Specific questions about the prequalification process should be referred to your agency representative at prequal@mail.nysed.gov or to the Grants Reform Team at grantsreform@budget.ny.gov.

3) Submit Your Prequalification Application

- After completing your Prequalification Application, click the **Submit Document Vault** Link located below the Required Documents section to submit your Prequalification Application for State agency review. Once submitted the status of the Document Vault will change to *In Review*.
- If your Prequalification reviewer has questions or requests changes you will receive email notification from the Gateway system.

- Once your Prequalification Application has been approved, you will receive a Gateway notification that you are now prequalified to do business with New York State.

Vendors are strongly encouraged to begin the process as soon as possible in order to participate in this opportunity.

Minority and Women-Owned Business Enterprise (M/WBE) Participation Goals Pursuant to Article 15-A of the New York State Executive Law

The following M/WBE requirements apply when an applicant submits an application for grant funding that exceeds \$25,000 for the full grant period.

All forms referenced here can be found in the M/WBE Documents section at the end of this RFP.

All applicants are required to comply with NYSED's Minority and Women-Owned Business Enterprises (M/WBE) policy. Compliance can be achieved by one of the three methods described below. Full participation by meeting or exceeding the M/WBE participation goal for this grant is the preferred method.

M/WBE participation includes services, materials, or supplies purchased from minority and women-owned firms certified with the NYS Division of Minority and Women Business Development. Not-for-profit agencies are not eligible for this certification. For additional information and a listing of currently certified M/WBEs, see

<https://ny.newnycontracts.com/FrontEnd/VendorSearchPublic.asp?TN=ny&XID=4687>

The M/WBE participation goal for this grant is 20% of each applicant's total discretionary non-personal service budget over the entire term of the grant. Discretionary non-personal service budget is defined as total budget, excluding the sum of funds budgeted for:

1. direct personal services (i.e., professional and support staff salaries) and fringe benefits;
2. rent, lease, utilities and indirect costs, if these items are allowable expenditures; and
3. for consolidated applications, that portion of the budget in purchased services representing programs offered by schools, non-profit organizations, non-profit community-based organizations (as defined), charter schools, libraries and/or museums that demonstrate a geographic diversity within the area to be served as well as diversity of providers.

The M/WBE Goal Calculation Worksheet is provided for use in calculating the dollar amount of the M/WBE goal for this grant application.

M/WBE participation does not need to be the same for each year of a multi-year grant.

All requested information and documentation should be provided at the time of submission. If this cannot be done, the applicant will have thirty days from the date of notice of award to submit the necessary documents and respond satisfactorily to any follow-up questions from the Department. Failure to do so may result in loss of funding.

METHODS TO COMPLY

An applicant can comply with NYSED's M/WBE policy by one of three methods:

1. **Full Participation** - This is the preferred method of compliance. Full participation is achieved when an applicant meets or exceeds the participation goals for this grant.

COMPLETE FORMS:

M/WBE Goal Calculation Worksheet
M/WBE Cover Letter
M/WBE 100 Utilization Plan
M/WBE 102 Notice of Intent to Participate

2. Partial Participation, Partial Request for Waiver - This is acceptable only if good faith efforts to achieve full participation are made and documented, but full participation is not possible.

COMPLETE FORMS:

- M/WBE Goal Calculation Worksheet
- M/WBE Cover Letter
- M/WBE 100 Utilization Plan
- M/WBE 101 Request for Waiver
- M/WBE 102 Notice of Intent to Participate
- M/WBE 105 Contractor's Good Faith Efforts

3. No Participation, Request for Complete Waiver - This is acceptable only if good faith efforts to achieve full or partial participation are made and documented, but do not result in any participation by M/WBE firm(s).

COMPLETE FORMS:

- M/WBE Goal Calculation Worksheet
- M/WBE Cover Letter
- M/WBE 101 Request for Waiver
- M/WBE 105 Contractor's Good Faith Efforts

GOOD FAITH EFFORTS

Applicants must make a good faith effort to solicit NYS certified M/WBE firms as subcontractors and/or suppliers to achieve the goals for this grant. Solicitations may include, but are not limited to: advertisements in minority and women-centered publications; solicitation of vendors found in the NYS Directory of Certified Minority and Women-Owned Business Enterprises (see <https://ny.newnycontracts.com/FrontEnd/VendorSearchPublic.asp?TN=ny&XID=4687>); and the solicitation of minority and women-oriented trade and labor organizations.

Good faith efforts include actions such as setting up meetings or announcements to make M/WBEs aware of supplier and subcontracting opportunities, identifying logical areas of the grant project that could be subcontracted to M/WBE firms, and utilizing all current lists of M/WBEs who are available for and may be interested in subcontracting or supplying goods for the project.

Applicants should document their efforts to comply with the stated M/WBE goals and submit this with their applications as evidence. Examples of acceptable documentation can be found in form M/WBE 105, Contractor's Good Faith Efforts. NYSED reserves the right to reject any application for failure to document "good faith efforts."

REQUEST FOR WAIVER

When full participation cannot be achieved, applicants must submit a Request for Waiver (M/WBE 101). Requests for Waivers must be accompanied by documentation explaining the good faith efforts made and reasons they were unsuccessful in obtaining M/WBE participation.

NYSED reserves the right to approve the addition or deletion of subcontractors or suppliers to enable applicants to comply with the M/WBE goals, provided such addition or deletion does not impact the technical proposal and/or increase the total budget.

All payments to Minority and Women-Owned Business Enterprise subcontractor(s) should be reported to the NYSED M/WBE Program Unit using the M/WBE 103 Quarterly M/WBE Compliance Report. This report should be submitted on a quarterly basis and can be found at

www.oms.nysed.gov/fiscal/MWBE/forms.html.

NYSED's M/WBE Coordinator is available to assist applicants in meeting the M/WBE goals. The Coordinator can be reached at MWBE@mail.nysed.gov.

Equal Employment Opportunity Reporting (EEO) Pursuant to Article 15-A of the New York State Executive Law

Applicants must complete and submit form EEO 100: Staffing Plan.

Vendor Responsibility

State law requires that the award of state contracts be made to responsible vendors. Before an award is made to an applicant, which is a not-for-profit entity, a for-profit entity, a private college or university or a public entity not exempted by the Office of the State Comptroller, NYSED must make an affirmative responsibility determination. The factors to be considered include: legal authority to do business in New York State; integrity; capacity- both organizational and financial; and previous performance. Before an award of \$100,000 or greater can be made to a covered entity, the entity will be required to complete and submit a Vendor Responsibility Questionnaire. School districts, Charter Schools, BOCES, public colleges and universities, public libraries, and the Research Foundation for SUNY and CUNY are some of the exempt entities. For a complete list, see:

http://www.osc.state.ny.us/vendrep/resources_docreq_agency.htm. OSC reserves the right to request Vendor Responsibility documentation if deemed material.

NYSED recommends that vendors file the required Vendor Responsibility Questionnaire online via the New York State VendRep System. To enroll in and use the New York State VendRep System, see the VendRep System Instructions available at http://www.osc.state.ny.us/vendrep/vendor_index.htm or go directly to the VendRep System online at <https://portal.osc.state.ny.us>.

Vendors must provide their New York State Vendor Identification Number when enrolling. To request assignment of a Vendor ID or for VendRep System assistance, contact the Office of the State Comptroller's Help Desk at 866-370-4672 or 518-408-4672 or by email at ciohelpdesk@osc.state.ny.us.

Vendors opting to complete and submit a paper questionnaire can obtain the appropriate questionnaire from the VendRep website www.osc.state.ny.us/vendrep or may contact NYSED or the Office of the State Comptroller's Help Desk for a copy of the paper form.

Subcontractors:

For non-exempt vendors using subcontractors, a Vendor Responsibility Questionnaire and a NYSED vendor responsibility review are required for a subcontractor where:

- the subcontractor is known at the time of the contract award;
- the subcontractor is not an entity that is exempt from reporting by OSC; and
- the subcontract will equal or exceed \$100,000 over the life of the contract.

Workers' Compensation Coverage and Debarment

New York State Workers' Compensation Law (WCL) has specific coverage requirements for businesses contracting with New York State and additional requirements which provide for the debarment of vendors that violate certain sections of WCL. The WCL requires, and has required since introduction of the law in 1922, the heads of all municipal and State entities to ensure that businesses have appropriate workers' compensation and disability benefits insurance coverage *prior* to issuing any permits or licenses, or *prior* to entering into contracts.

Workers' compensation requirements are covered by WCL Section 57, while disability benefits are covered by WCL Section 220(8). The Workers' Compensation Benefits clause in Appendix A – STANDARD CLAUSES FOR NEW YORK STATE CONTRACTS states that in accordance with Section 142 of the State Finance Law, a contract shall be void and of no force and effect unless the contractor provides and maintains coverage during the life of the contract for the benefit of such employees as are required to be covered by the provisions of the WCL.

Under provisions of the 2007 Workers' Compensation Reform Legislation (WCL Section 141-b), any person, or entity substantially owned by that person: subject to a final assessment of civil fines or penalties, subject to a stop-work order, or convicted of a misdemeanor for violation of Workers' Compensation laws Section 52 or 131, is barred from bidding on, or being awarded, any public work contract or subcontract with the State, any municipal corporation or public body for one year for each violation. The ban is five years for each felony conviction.

PROOF OF COVERAGE REQUIREMENTS

The Workers' Compensation Board has developed several forms to assist State contracting entities in ensuring that businesses have the appropriate workers' compensation and disability insurance coverage as required by Sections 57 and 220(8) of the WCL.

Please note – an ACORD form is not acceptable proof of New York State workers' compensation or disability benefits insurance coverage.

Proof of Workers' Compensation Coverage

To comply with coverage provisions of the WCL, the Workers' Compensation Board requires that a business seeking to enter into a State contract submit appropriate proof of coverage to the State contracting entity issuing the contract. For each new contract or contract renewal, the contracting entity must obtain ONE of the following forms from the contractor and submit to OSC to prove the contractor has appropriate workers' compensation insurance coverage:

- **Form C-105.2** – Certificate of Workers' Compensation Insurance issued by private insurance carriers, or **Form U-26.3** issued by the State Insurance Fund; or
- **Form SI-12**– Certificate of Workers' Compensation Self-Insurance; or **Form GSI-105.2** Certificate of Participation in Workers' Compensation Group Self-Insurance; or
- **CE-200**– Certificate of Attestation of Exemption from NYS Workers' Compensation and/or Disability Benefits Coverage.

Proof of Disability Benefits Coverage

To comply with coverage provisions of the WCL regarding disability benefits, the Workers' Compensation Board requires that a business seeking to enter into a State contract must submit appropriate proof of coverage to the State contracting entity issuing the contract. For each new contract or contract renewal, the contracting entity must obtain ONE of the following forms from the contractor and submit to OSC to prove the contractor has appropriate disability benefits insurance coverage:

- **Form DB-120.1** - Certificate of Disability Benefits Insurance; or
- **Form DB-155**- Certificate of Disability Benefits Self-Insurance; or
- **CE-200**– Certificate of Attestation of Exemption from New York State Workers' Compensation and/or Disability Benefits Coverage.

For additional information regarding workers' compensation and disability benefits requirements, please refer to the New York State Workers' Compensation Board website at: <http://www.wcb.ny.gov/content/main/Employers/busPermits.jsp>. Alternatively, questions relating to either workers' compensation or disability benefits coverage should be directed to the NYS Workers' Compensation Board, Bureau of Compliance at (518) 486-6307.

NYSED's Reservation of Rights

NYSED reserves the right to: (1) reject any or all proposals received in response to the RFP; (2) withdraw the RFP at any time, at the agency's sole discretion; (3) make an award under the RFP in whole or in part; (4) disqualify any bidder whose conduct and/or proposal fails to conform to the requirements of the RFP; (5) seek clarifications of proposals; (6) use proposal information obtained through site visits, management interviews and the state's investigation of a bidder's qualifications, experience, ability or financial standing, and any material or information submitted by the bidder in response to the agency's request for clarifying information in the course of evaluation and/or selection under the RFP; (7) prior to the bid opening, amend the RFP specifications to correct errors or oversights, or to supply additional information, as it becomes available; (8) prior to the bid opening, direct bidders to

submit proposal modifications addressing subsequent RFP amendments; (9) change any of the scheduled dates; (10) waive any requirements that are not material; (11) negotiate with the successful bidder within the scope of the RFP in the best interests of the state; (12) utilize any and all ideas submitted in the proposals received; (13) unless otherwise specified in the solicitation, every offer is firm and not revocable for a period of 90 days from the bid opening; and (14) require clarification at any time during the procurement process and/or require correction of arithmetic or other apparent errors for the purpose of assuring a full and complete understanding of an offerer's proposal and/or to determine an offerer's compliance with the requirements of the solicitation.

Grant Award Protest Procedures

Applicants who receive a notice of non-award may protest the NYSED award decision subject to the following:

1. The protest must be in writing and must contain specific factual and/or legal allegations setting forth the basis on which the protesting party challenges the grant awards by NYSED.
2. The protest must be filed within ten (10) business days of receipt of a debriefing letter. The protest letter must be filed with:

NYS Education Department
Contract Administration Unit
89 Washington Avenue
Room 501W EB
Albany, NY 12234

3. The NYSED Contract Administration Unit (CAU) will convene a review team that will include at least one staff member from each of NYSED's Office of Counsel, CAU, and the Program Office. The review team will review and consider the merits of the protest and will decide whether the protest is approved or denied. Counsel's Office will provide the bidder with written notification of the review team's decision within seven (7) business days of the receipt of the protest. The original protest and decision will be filed with OSC when the contract procurement record is submitted for approval and CAU will advise OSC that a protest was filed. If the bid protest is filed challenging the Division of Budget's distribution of available slots in the event of oversubscription, the protest will be forwarded to OSC for review and decision.
4. The NYSED Contract Administration Unit (CAU) may summarily deny a protest that fails to contain specific factual or legal allegations, or where the protest only raises issues of law that have already been decided by the courts.

2014-2015

Statewide Universal Full-Day Prekindergarten Program

Cover Page

Agency Code of Fiscal Agent

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LEA or Individual Applicant	Chief Administrator:
Address:	Contact Person:
City: Zip Code:	Title:
	Telephone: Fax:
	E-Mail:
County:	Amount of Funding Requested:
I hereby certify that I am the applicant's chief school/administrative officer and that the information contained in this application is, to the best of my knowledge, complete and accurate. I further certify, to the best of my knowledge, that any ensuing program and activity will be conducted in accordance with all applicable Federal and State laws and regulations, application guidelines and instructions, Assurances, Certifications, Appendix A, Appendix A-1G and that the requested budget amounts are necessary for the implementation of this project. It is understood by the applicant that this application constitutes an offer and, if accepted by the NYS Education Department or renegotiated to acceptance, will form a binding agreement. It is also understood by the applicant that immediate written notice will be provided to the grant program office if at any time the applicant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.	
Authorized Signature (in blue ink)	Title:
Typed Name:	Date:

Indicate the type(s) of placements to be created by this grant request.

☐ New full-day

☐ Converting half-day to full-day

One (1) original and three (3) paper copies of a complete application must be received by the Department by 12:00 P.M. by July 11, 2014.

Deliver application packages to:

New York State Education Department
Attn: Contract Administration Unit
Richard Duprey, GC RFP #14-011
89 Washington Avenue, Room 501 EBA
Albany, NY 12234

Applications should also be submitted to the Department via e-mail to nysufdpk@mail.nysed.gov. The file format can be in PDF or Word/Excel. The subject line of the email should read as follows: **GC RFP #14-011 and the legal name of provider organization.**

Application Checklist

Listed below are the required documents for a complete application package, in the order that they should appear. Use this checklist to ensure that your application submission is complete and in compliance with the Application Instructions.

REQUIRED DOCUMENTS	CHECKED – APPLICANT	CHECKED – SED
Application Cover Page	<input type="checkbox"/>	<input type="checkbox"/>
Application Checklist	<input type="checkbox"/>	<input type="checkbox"/>
Program Abstract	<input type="checkbox"/>	<input type="checkbox"/>
Applicant Information form (Appendix C-1)	<input type="checkbox"/>	<input type="checkbox"/>
Grant Calculator form (Appendix C-2)	<input type="checkbox"/>	<input type="checkbox"/>
Supplement and Not Supplant Reporting form (Appendix C-3)	<input type="checkbox"/>	<input type="checkbox"/>
Collaboration Variance, if needed (Appendix D)	<input type="checkbox"/>	<input type="checkbox"/>
Section 1- Need Narrative	<input type="checkbox"/>	<input type="checkbox"/>
Section 2 - Description of Innovative and Creative Program	<input type="checkbox"/>	<input type="checkbox"/>
Section 3 - Program Quality Narrative	<input type="checkbox"/>	<input type="checkbox"/>
Section 4: Budget Narrative	<input type="checkbox"/>	<input type="checkbox"/>
FS-20 Budget	<input type="checkbox"/>	<input type="checkbox"/>
Statement of Assurances (Appendix B)	<input type="checkbox"/>	<input type="checkbox"/>
M/WBE Documents Package	<input type="checkbox"/>	<input type="checkbox"/>

M/WBE Documents Package (original signatures required)			
<input type="checkbox"/> Full Participation <input type="checkbox"/> Request Partial Waiver <input type="checkbox"/> Request Total Waiver			
	Forms Required		
Type of Form	Full Participation	Request Partial Waiver	Request Total Waiver
<u>M/WBE Goal Calculation Worksheet</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
M/WBE Cover Letter	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
M/WBE 100 Utilization Plan	<input type="checkbox"/>	<input type="checkbox"/>	N/A
M/WBE 102 Notice of Intent to Participate	<input type="checkbox"/>	<input type="checkbox"/>	N/A
EEO 100 Staffing Plan and Instructions	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
M/WBE 105 Contractor's Good Faith Efforts	N/A	<input type="checkbox"/>	<input type="checkbox"/>
M/WBE 101 Request for Waiver Form and Instructions	N/A	<input type="checkbox"/>	<input type="checkbox"/>
EEO 100 Staffing Plan and Instructions	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

SED Comments:

Has the applicant complied with the application instructions? ☐ YES ☐ NO

SED Reviewer: _____ Date: _____

Page Limits

The Program Abstract and the Narrative sections must be submitted on single-spaced 8.5" x 11" pages with one-inch margins. Use a Times Roman or Arial font in a 12-point size for the narrative sections. Charts/tables within the Program Abstract and Narrative sections are not required to adhere to this standard. The use of a 10-point font size is permissible in charts/tables. If the Narrative sections exceed the page limit, the excess pages will not be read by the reviewers. Do not include any attachments or addenda to the Program Abstract or Narrative section.

The Narrative sections (comprised of the Innovative Program Narrative, Need Narrative, Program Quality Narrative and Budget Narrative) may total no more than 12 pages, not including the abstract.

Proposal Submission (100 points)

The proposal submission consists of five distinct sections. These are: 1) Abstract; 2) Need Narrative, 3) Description of Innovative and Creative Program, 4) Program Quality Narrative; and 5) Budget Narrative and FS-20 Budget. Each section of the proposal builds logically on the preceding section. Be clear, precise and adhere to the following required format. The Need Narrative, the Description of Innovative and Creative Program, the Program Quality Narrative and Budget Narrative sections must not exceed 12 pages, not including the abstract. The proposal will be reviewed in accordance with the points assigned to each section.

Abstract (no points)

The abstract is the applicant's opportunity to provide a clear and concise **one-page** summary that describes the entire project. The abstract should illustrate the primary purpose of the program, touch upon those children and schools/programs most in need of services and highlight planned collaboration efforts that will provide high quality programming for parents and their children. The abstract should provide information and context that will assist the reviewers in understanding the applicant's intent. The abstract must include the following completed table:

Summary of Full-Day Pre-K Slots Requested	Number to be provided by school district-operated programs	Number to be provided by non-profit organizations, community-based organizations, charter schools, libraries and/or museums	Total
New full-day slots			
Half-day to full-day conversion slots			
Total			

APPLICATION – PART A -- Narrative Section

Section 1 – Need Narrative (25 Points)

In this section, applicants must clearly document the resources and needs of the community to be served by the project; the needs of the students to be served; and gaps in services currently available. Applicants are strongly encouraged to use a variety of data sources as evidence. Describe the overall need for this project by addressing the following:

1. The school district in which the program will be located serves high-need students as measured by Free and Reduced Price Lunch, and Limited English Proficient, Need Resource Category and Need Resource Index. The Department will calculate the allocation of points for this item.
2. Specific indicators of community need, in the area(s) of the school district that will be served by the grant, including the proportion of eligible children currently not served by UPK or other publicly-funded high-quality prekindergarten programs; the number of children on waiting lists for prekindergarten services, if applicable; the proportion of prekindergarten students currently enrolled in half-day programs; the proportion of prekindergarten students currently enrolled in full-day programs; the need for integrated settings for preschool children with disabilities; the need for integrated settings for preschool English language learners; and the availability or lack of other resources and programs that serve the community and its children.
3. Describe the applicant's recruitment plan, including how the applicant will publicize its education program to a broad cross-section of prospective students; describe the applicant's specific plan to recruit students with disabilities, English language learners, and students who are economically disadvantaged.
4. The specific needs of students to be served by the district or individual applicant, including the criteria that identify the unserved and/or underserved children and/or geographic areas that are eligible for this prekindergarten initiative. Applicants may prioritize placement for students who otherwise would not have access to high-quality full-day prekindergarten due to financial constraints and/or who require additional supports and should describe any such prioritization strategy, including how it will achieve broad representation of the student populations that are unserved and/or underserved.
5. The specific gaps or needs in early learning services, critical issues and problems of the community, and the method for determining these. Cite the specific source(s) of any demographic, socioeconomic or educational data used in the description of needs.

Section 2- Description of Innovative and Creative Program (10 points)

The priority of this application is to create innovative, quality full-day prekindergarten programs by creating new full-day slots and by expanding half-day slots to full-day. These funds should allow districts and their collaborating partners the opportunity to create a program that is not just longer and more convenient for working parents, but one that is more creative, driven by evidence, and responsive to the needs of the children attending. Time can be spent incorporating active, novel learning experiences that foster higher-level thinking across the curriculum. Activities might include dramatic play, speaking and listening, using blocks, working with computers, manipulating math objects and science materials, art, writing, movement and dance. Self-directed play and structured play (where teachers intentionally plan play experiences to support explicit learning standards) are important for preschool-age children's physical, social/emotional, and cognitive development (Diamond, Barnett, Thomas, & Munro, 2007). High-quality early childhood programs support the learning and development of individual children as well as promote the growth and success of the group participating.

The universal full-day prekindergarten program is intended to identify and fund models of innovation and program creativity. Describe the strategies and programming that will be developed by the school district and its collaborating early childhood providers to support the needs of the children and the community being served. Include a discussion that may include innovations and creativity in the daily schedule, the transitions throughout the day, the staffing patterns used to support such a creative program, and the curricula and materials being used.

Section 3 - Program Quality Narrative (45 Points)

As a condition of receiving the Statewide Universal Full-day Prekindergarten Grant, applicants must demonstrate quality in the following eight areas: curriculum; learning environment, materials and supplies; family engagement and support; staffing patterns; teacher education and experience; facility quality; physical well-being, health and nutrition; partnerships with non-profit, community and educational institutions.

Applicants must detail how they will meet these quality standards for prekindergarten services offered directly by the district and its collaborating eligible entities. See the Department's website for helpful resources at <http://www.p12.nysed.gov/earlylearning/links.html>.

The narrative should describe the policies, processes and procedures that the school district or individual applicant has implemented or will implement across the following quality standard areas and, in cases where elements have not yet been fully implemented, the specific action steps that the school district or individual applicant will take. The applicant should also describe how program quality standards will be monitored and ensured across all settings. Examples may include, but are not limited to, the periodic review of the effectiveness of strategies in meeting desired outcomes, written agreements with collaborators concerning the nature of the relationship and the services to be rendered, frequent communication among the collaborating providers, regular visitation and/or administrative meetings, and fostering shared decision-making and team building. The program should describe its quality assurance strategy.

The manner in which an applicant satisfies all of the below elements will be scored as part of each standard with programs that provide more stimulation, enhance child development and demonstrate creative approaches to improve early childhood education receiving a competitive advantage in the application process.

1. Curriculum:

- i. The applicant uses a written curriculum or curriculum framework that is evidenced-based (meaning research has been conducted regarding the relationship between the curriculum and children's learning), as well as developmentally appropriate, and that addresses the key domains of child development; it emphasizes language, emergent literacy, early mathematics skills, social and emotional development, physical abilities, and structured and unstructured play.
- ii. The applicant uses a written curriculum or curriculum framework that aligns with the NYS Prekindergarten Foundation for the Common Core and ensures continuity with the Common Core State Standards in ELA and Math.
- iii. All teaching staff receives quality annual training to implement the curriculum and supervision support is provided to staff to assist with curriculum implementation, through a plan for meaningful, sustained professional development for all partners.

- iv. The applicant implements accommodations, modifications and supports to enable preschool children with disabilities effective inclusion in the full range of the program's activities.
- v. The applicant implements modifications and supports to ensure that participating children who are English Language Learners are provided equal access to the program and opportunities to achieve the same program goals and standards as non-English language learners.

2. Learning Environment, Materials and Supplies:

- i. The applicant's use of space, scheduling, and other environmental factors will advance student learning and development. For example, the classroom is divided into clearly defined, well-equipped learning centers. Examples of learning centers may include, but are not limited to: dramatic play; blocks and construction; library, language arts, technology/media; science and nature; mathematics and manipulative materials; writing; creative arts; sand and water play and music and those that have been developed using principles of Universal Design, or have been modified or adapted to meet the unique needs of preschool students with disabilities.
- ii. The daily schedule allows for a balance of intentionally-planned active and quiet play; indoor and outdoor gross motor activities; and individual and small group activities.
- iii. Classroom materials will be used to advance student learning and development opportunities.
- iv. The applicant will implement activities that will advance student learning and development opportunities and will encourage students to be self-assured and independent through a balanced schedule of teacher-initiated and child-initiated learning activities.

3. Family Engagement and Support:

- i. The applicant provides parents with programmatic information that indicates how the program meets quality standards and/or provides parents with a transparent rating that indicates how the applicant meets quality standards.
- ii. The applicant provides opportunities for active engagement of parents and/or guardians in the education of their children, and does so in a language they understand. Examples of active engagement may include, but are not limited to, written communication with families, meeting one-on-one, parent workshops and training on such topics as child development, language development, bilingualism, educational disabilities and the special education referral process; opportunities for families to volunteer, and opportunities for parents to participate in program-and school-level decisions.
- iii. Families complete a program evaluation or survey annually and results are used for program improvement.
- iv. The applicant provides, directly or through referral, support services to children and their families necessary to support the child's participation in the prekindergarten program. Whenever possible, support services are provided in collaboration with other community organizations in a non-duplicative manner. Support services are provided to the maximum extent practicable in the language or mode of communication which the parents and/or guardians and the child best understand.

4. Staffing Patterns:

- i. The applicant demonstrates that the program is implemented with a staffing pattern that advances child development and learning.
- ii. The applicant demonstrates that the program meets the following staffing requirements:
 1. The maximum class size is twenty students. For classes up to eighteen students, there must be at least one teacher and at least one paraprofessional assigned to each class, while for classes of nineteen or twenty students, there must be at least one teacher and at least two paraprofessionals assigned to each class. A written request for a variance for class size may be submitted to promote the inclusion of preschool children with disabilities, English language learners or children who are homeless (Appendix D – Collaboration Variance Request).¹⁰
 2. Until all universal prekindergarten teachers at an eligible agency site possess a teaching license or certificate valid for services, an education director will be employed and be on-site during the hours that the prekindergarten program is in operation and be responsible for program implementation.
- iii. The applicant requires programs to adopt a policy for the recruitment and retention of a workforce that considers the diversity and needs of the students attending the program in order to enhance diversity and equity in recruitment in retention practices and that the applicant describes how it intends to best meet the individual student needs through classroom teacher placement.

5. Teacher Education and Experience:

- i. The applicant has written procedures for ensuring that all Prekindergarten teaching staff are certified or, in the case of eligible agencies, have a bachelor's degree in early childhood or a related field and will obtain certification within the applicable timeline, including but not limited to having a written plan in place.
- ii. The applicant uses valid and reliable measures of teacher-student interactions to increase the understanding of the impact of the various interactions that occur within classrooms and to identify and support the use of classroom practices and processes that have the most positive effects on children's learning.
- iii. The applicant provides quality professional development for all staff and teachers based upon the instructional needs of students and integrated with Kindergarten – Third Grade. This may include, but is not limited to, a description of how aggregated information on student progress will be used to inform professional development to ensure teaching staff are equipped with skills necessary to differentiate and individualize instruction.

6. Facility Quality:

- i. The applicant describes how the facility's design and equipment advance child development and early learning.
- ii. For consolidated applications, the process used by school district applicants has taken into account any record of a violation(s) within the past two years of health and safety codes and/or licensure or registration requirements of the collaborating non-profit

¹⁰ Additional staffing standards, required by an eligible entity's licensing, permitting, regulatory, oversight, registration, or enrolling agency may be applicable.

organizations, community-based organizations, charter schools, libraries and museums and assures that any past violation was corrected.

- iii. Individual applications must include with their applications, any record of a violation(s) within the past two years of health and safety codes and/or licensure or registration requirements, where applicable, with an assurance that any such violations have been corrected.
- iv. The applicant has a process for requiring that violations classified as an “imminent danger” by the New York State Office of Children and Family Services or as a “public health hazard” by the New York City Department of Health and Mental Hygiene are immediately corrected (unless program suspension or termination is required pursuant to standards developed by the New York State Office of Children and Family Services).

7. Physical Well-Being, Health and Nutrition:

- i. Programs provide a variety of daily opportunities to engage in physical activities.
- ii. Programs provide opportunities for students to engage in developmentally appropriate, structured and unstructured, moderate to vigorous physical activity (both inside and outside) throughout the day.
- iii. Programs provide appropriate meals and snacks to ensure that the nutritional needs of the children are met.
- iv. Meals and snacks are provided in an environment conducive to interaction between staff and children and at a time appropriate to meet the children's needs and provide sufficient time for eating and interaction.

8. Partnerships With Non-Profit, Community and Educational Institutions:

- i. The applicant has highly articulated transition strategies to ensure alignment between prekindergarten and kindergarten and successful transition to and collaboration with kindergarten programs.
- ii. The applicant develops partnerships that leverage existing cultural, educational, and/or resources in the community, which may include partnerships with health and human services providers to address the non-academic needs of young children and their families.

Section 4 - Budget Narrative (20 Points)

This section describes proposed expenditures that are appropriate, reasonable and necessary to support the project activities and goals. The proposed budget (FS-20) should reflect all required components of the program. The expenditures must supplement and not supplant services current local expenditures of federal, state, or local funds on prekindergarten programs and the number of slots in such programs from such sources. Current local expenditures shall include any local expenditures of federal, state, or local funds used to supplement or extend services provided directly via contract to eligible children enrolled in universal prekindergarten programs pursuant to Section 3602-e of the Education Law.

Applicants must provide a brief narrative that describes how the proposed expenditures are appropriate, reasonable and necessary to support the project activities and goals. For each budget category, describe how the costs are reasonable in relation to the number of children to be served, the services to be provided and the anticipated results and benefits. Applicants should separately specify the amount of eligible supplemental funds requested, by purpose.

APPENDIX A

STANDARD CLAUSES FOR NYS CONTRACTS

The parties to the attached contract, license, lease, amendment or other agreement of any kind (hereinafter, "the contract" or "this contract") agree to be bound by the following clauses which are hereby made a part of the contract (the word "Contractor" herein refers to any party other than the State, whether a contractor, licensor, licensee, lessor, lessee or any other party):

1. EXECUTORY CLAUSE. In accordance with Section 41 of the State Finance Law, the State shall have no liability under this contract to the Contractor or to anyone else beyond funds appropriated and available for this contract.

2. NON-ASSIGNMENT CLAUSE. In accordance with Section 138 of the State Finance Law, this contract may not be assigned by the Contractor or its right, title or interest therein assigned, transferred, conveyed, sublet or otherwise disposed of without the State's previous written consent, and attempts to do so are null and void. Notwithstanding the foregoing, such prior written consent of an assignment of a contract let pursuant to Article XI of the State Finance Law may be waived at the discretion of the contracting agency and with the concurrence of the State Comptroller where the original contract was subject to the State Comptroller's approval, where the assignment is due to a reorganization, merger or consolidation of the Contractor's business entity or enterprise. The State retains its right to approve an assignment and to require that any Contractor demonstrate its responsibility to do business with the State. The Contractor may, however, assign its right to receive payments without the State's prior written consent unless this contract concerns Certificates of Participation pursuant to Article 5-A of the State Finance Law.

3. COMPTROLLER'S APPROVAL. In accordance with Section 112 of the State Finance Law (or, if this contract is with the State University or City University of New York, Section 355 or Section 6218 of the Education Law), if this contract exceeds \$50,000 (or the minimum thresholds agreed to by the Office of the State Comptroller for certain S.U.N.Y. and C.U.N.Y. contracts), or if this is an amendment for any amount to a contract which, as so amended, exceeds said statutory amount, or if, by this contract, the State agrees to give something other than money when the value or reasonably estimated value of such consideration exceeds \$10,000, it shall not be valid, effective or binding upon the State until it has been approved by the State Comptroller and filed in his office. Comptroller's approval of contracts let by the Office of General Services is required when such contracts exceed \$85,000 (State Finance Law Section 163.6-a). However, such pre-approval shall not be required for any contract established as a centralized contract through the Office of General Services or for a purchase order or other transaction issued under such centralized contract.

4. WORKERS' COMPENSATION BENEFITS. In accordance with Section 142 of the State Finance Law, this contract shall be void and of no force and effect unless the Contractor shall provide and maintain coverage during the life of this contract for the benefit of such employees as are required to be covered by the provisions of the Workers' Compensation Law.

5. NON-DISCRIMINATION REQUIREMENTS. To the extent required by Article 15 of the Executive Law (also known as the Human Rights Law) and all other State and Federal statutory and constitutional non-discrimination provisions, the Contractor will not discriminate against any employee or applicant for employment because of race, creed, color, sex (including gender identity or expression), national origin, sexual orientation, military status, age, disability, predisposing genetic characteristics, marital status or domestic violence victim status. Furthermore, in accordance with Section 220-e of the Labor Law, if this is a contract for the construction, alteration or repair of any public building or public work or for the manufacture, sale or distribution of materials, equipment or supplies, and to the extent that this contract shall be performed within the State of New York, Contractor agrees that neither it nor its subcontractors shall, by reason of race, creed, color, disability, sex, or national origin: (a) discriminate in hiring against any New York State citizen who is qualified and available to perform the work; or (b) discriminate against or intimidate any employee hired for the performance of work under this contract. If this is a building service contract as defined in Section 230 of the Labor Law, then, in accordance with Section 239 thereof, Contractor agrees that neither it nor its subcontractors shall by reason of race, creed, color, national origin, age, sex or disability: (a) discriminate in hiring against any New York State citizen who is qualified and available to perform the work; or (b) discriminate against or intimidate any employee hired for the performance of work under this contract. Contractor is subject to fines of \$50.00 per person per day for any violation of Section 220-e or Section 239 as well as possible termination of this contract and forfeiture of all moneys due hereunder for a second or subsequent violation.

6. WAGE AND HOURS PROVISIONS. If this is a public work contract covered by Article 8 of the Labor Law or a building service contract covered by Article 9 thereof, neither Contractor's employees nor the employees of its subcontractors may be required or permitted to work more than the number of hours or days stated in said statutes, except as otherwise provided in the Labor Law and as set forth in prevailing wage and supplement schedules issued by the State Labor Department. Furthermore, Contractor and its subcontractors must pay at least the prevailing wage rate and pay or provide the prevailing supplements, including the premium rates for overtime pay, as determined by the State Labor Department in accordance with the Labor Law. Additionally, effective April 28, 2008, if this is a public work contract covered by Article 8 of the Labor Law, the Contractor understands and agrees that the filing of payrolls in a manner consistent with Subdivision 3-a of Section 220 of the Labor Law shall be a condition precedent to payment by the State of any State approved sums due and owing for work done upon the project.

7. NON-COLLUSIVE BIDDING CERTIFICATION. In accordance with Section 139-d of the State Finance Law, if this contract was awarded based upon the submission of bids, Contractor affirms, under penalty of perjury, that its bid was arrived at independently and without collusion aimed at restricting competition. Contractor further affirms that, at the time Contractor submitted its bid, an authorized and responsible person executed and delivered to the State a non-collusive bidding certification on Contractor's behalf.

8. INTERNATIONAL BOYCOTT PROHIBITION. In accordance with Section 220-f of the Labor Law and Section 139-h of the State Finance Law, if this contract exceeds \$5,000, the Contractor agrees, as a material condition of the contract, that neither the Contractor nor any substantially owned or affiliated person, firm, partnership or corporation has participated, is participating, or shall participate in an international boycott in violation of the federal Export Administration Act of 1979 (50 USC App. Sections 2401 et seq.) or regulations thereunder. If such Contractor, or any of the aforesaid affiliates of Contractor, is convicted or is otherwise found to have violated said laws or regulations upon the final determination of the United States Commerce Department or any other appropriate agency of the United States subsequent to the contract's execution, such contract, amendment or modification

thereto shall be rendered forfeit and void. The Contractor shall so notify the State Comptroller within five (5) business days of such conviction, determination or disposition of appeal (2NYCRR 105.4).

9. SET-OFF RIGHTS. The State shall have all of its common law, equitable and statutory rights of set-off. These rights shall include, but not be limited to, the State's option to withhold for the purposes of set-off any moneys due to the Contractor under this contract up to any amounts due and owing to the State with regard to this contract, any other contract with any State department or agency, including any contract for a term commencing prior to the term of this contract, plus any amounts due and owing to the State for any other reason including, without limitation, tax delinquencies, fee delinquencies or monetary penalties relative thereto. The State shall exercise its set-off rights in accordance with normal State practices including, in cases of set-off pursuant to an audit, the finalization of such audit by the State agency, its representatives, or the State Comptroller.

10. RECORDS. The Contractor shall establish and maintain complete and accurate books, records, documents, accounts and other evidence directly pertinent to performance under this contract (hereinafter, collectively, "the Records"). The Records must be kept for the balance of the calendar year in which they were made and for six (6) additional years thereafter. The State Comptroller, the Attorney General and any other person or entity authorized to conduct an examination, as well as the agency or agencies involved in this contract, shall have access to the Records during normal business hours at an office of the Contractor within the State of New York or, if no such office is available, at a mutually agreeable and reasonable venue within the State, for the term specified above for the purposes of inspection, auditing and copying. The State shall take reasonable steps to protect from public disclosure any of the Records which are exempt from disclosure under Section 87 of the Public Officers Law (the "Statute") provided that: (i) the Contractor shall timely inform an appropriate State official, in writing, that said records should not be disclosed; and (ii) said records shall be sufficiently identified; and (iii) designation of said records as exempt under the Statute is reasonable. Nothing contained herein shall diminish, or in any way adversely affect, the State's right to discovery in any pending or future litigation.

11. IDENTIFYING INFORMATION AND PRIVACY NOTIFICATION. (a) Identification Number(s). Every invoice or New York State Claim for Payment submitted to a New York State agency by a payee, for payment for the sale of goods or services or for transactions (e.g., leases, easements, licenses, etc.) related to real or personal property must include the payee's identification number. The number is any or all of the following: (i) the payee's Federal employer identification number, (ii) the payee's Federal social security number, and/or (iii) the payee's Vendor Identification Number assigned by the Statewide Financial System. Failure to include such number or numbers may delay payment. Where the payee does not have such number or numbers, the payee, on its invoice or Claim for Payment, must give the reason or reasons why the payee does not have such number or numbers.

(b) Privacy Notification. (1) The authority to request the above personal information from a seller of goods or services or a lessor of real or personal property, and the authority to maintain such information, is found in Section 5 of the State Tax Law. Disclosure of this information by the seller or lessor to the State is mandatory. The principal purpose for which the information is collected is to enable the State to identify individuals, businesses and others who have been delinquent in filing tax returns or may have understated their tax liabilities and to generally identify persons affected by the taxes administered by the Commissioner of Taxation and Finance. The information will be used for tax administration purposes and for any other purpose authorized by law. (2) The personal information is requested by the purchasing unit of the agency contracting to purchase the goods or services or lease the real or personal property covered by this contract or lease. The information is maintained in the Statewide Financial System by the Vendor Management Unit within the Bureau of State Expenditures, Office of the State Comptroller, 110 State Street, Albany, New York 12236.

12. EQUAL EMPLOYMENT OPPORTUNITIES FOR MINORITIES AND WOMEN. In accordance with Section 312 of the Executive Law and 5 NYCRR 143, if this contract is: (i) a written agreement or purchase order instrument, providing for a total expenditure in excess of \$25,000.00, whereby a contracting agency is committed to expend or does expend funds in return for labor, services, supplies, equipment, materials or any combination of the foregoing, to be performed for, or rendered or furnished to the contracting agency; or (ii) a written agreement in excess of \$100,000.00 whereby a contracting agency is committed to expend or does expend funds for the acquisition, construction, demolition, replacement, major repair or renovation of real property and improvements thereon; or (iii) a written agreement in excess of \$100,000.00 whereby the owner of a State assisted housing project is committed to expend or does expend funds for the acquisition, construction, demolition, replacement, major repair or renovation of real property and improvements thereon for such project, then the following shall apply and by signing this agreement the Contractor certifies and affirms that it is Contractor's equal employment opportunity policy that:

(a) The Contractor will not discriminate against employees or applicants for employment because of race, creed, color, national origin, sex, age, disability or marital status, shall make and document its conscientious and active efforts to employ and utilize minority group members and women in its work force on State contracts and will undertake or continue existing programs of affirmative action to ensure that minority group members and women are afforded equal employment opportunities without discrimination. Affirmative action shall mean recruitment, employment, job assignment, promotion, upgradings, demotion, transfer, layoff, or termination and rates of pay or other forms of compensation;

(b) at the request of the contracting agency, the Contractor shall request each employment agency, labor union, or authorized representative of workers with which it has a collective bargaining or other agreement or understanding, to furnish a written statement that such employment agency, labor union or representative will not discriminate on the basis of race, creed, color, national origin, sex, age, disability or marital status and that such union or representative will affirmatively cooperate in the implementation of the Contractor's obligations herein; and

(c) the Contractor shall state, in all solicitations or advertisements for employees, that, in the performance of the State contract, all qualified applicants will be afforded equal employment opportunities without discrimination because of race, creed, color, national origin, sex, age, disability or marital status.

Contractor will include the provisions of "a", "b", and "c" above, in every subcontract over \$25,000.00 for the construction, demolition, replacement, major repair, renovation, planning or design of real property and improvements thereon (the "Work") except where the Work is for the beneficial use of the Contractor. Section 312 does not apply to: (i) work, goods or services unrelated to this contract; or (ii) employment outside New York State. The State shall consider compliance by a contractor or subcontractor with the requirements of any federal law concerning equal employment opportunity which effectuates the purpose of this section. The contracting agency shall determine whether the imposition of the requirements of the provisions hereof duplicate or conflict with any such federal law and if such duplication or conflict exists, the contracting agency shall waive the applicability of Section 312 to the extent of such duplication or conflict. Contractor will comply with all duly promulgated and lawful rules and regulations of the Department of Economic Development's Division of Minority and Women's Business Development pertaining hereto.

13. CONFLICTING TERMS. In the event of a conflict between the terms of the contract (including any and all attachments thereto and amendments thereof) and the terms of this Appendix A, the terms of this Appendix A shall control.

14. GOVERNING LAW. This contract shall be governed by the laws of the State of New York except where the Federal supremacy clause requires otherwise.

15. LATE PAYMENT. Timeliness of payment and any interest to be paid to Contractor for late payment shall be governed by Article 11-A of the State Finance Law to the extent required by law.

16. NO ARBITRATION. Disputes involving this contract, including the breach or alleged breach thereof, may not be submitted to binding arbitration (except where statutorily authorized), but must, instead, be heard in a court of competent jurisdiction of the State of New York.

17. SERVICE OF PROCESS. In addition to the methods of service allowed by the State Civil Practice Law & Rules ("CPLR"), Contractor hereby consents to service of process upon it by registered or certified mail, return receipt requested. Service hereunder shall be complete upon Contractor's actual receipt of process or upon the State's receipt of the return thereof by the United States Postal Service as refused or undeliverable. Contractor must promptly notify the State, in writing, of each and every change of address to which service of process can be made. Service by the State to the last known address shall be sufficient. Contractor will have thirty (30) calendar days after service hereunder is complete in which to respond.

18. PROHIBITION ON PURCHASE OF TROPICAL HARDWOODS. The Contractor certifies and warrants that all wood products to be used under this contract award will be in accordance with, but not limited to, the specifications and provisions of Section 165 of the State Finance Law, (Use of Tropical Hardwoods) which prohibits purchase and use of tropical hardwoods, unless specifically exempted, by the State or any governmental agency or political subdivision or public benefit corporation. Qualification for an exemption under this law will be the responsibility of the contractor to establish to meet with the approval of the State.

In addition, when any portion of this contract involving the use of woods, whether supply or installation, is to be performed by any subcontractor, the prime Contractor will indicate and certify in the submitted bid proposal that the subcontractor has been informed and is in compliance with specifications and provisions regarding use of tropical hardwoods as detailed in §165 State Finance Law. Any such use must meet with the approval of the State; otherwise, the bid may not be considered responsive. Under bidder certifications, proof of qualification for exemption will be the responsibility of the Contractor to meet with the approval of the State.

19. MACBRIDE FAIR EMPLOYMENT PRINCIPLES. In accordance with the MacBride Fair Employment Principles (Chapter 807 of the Laws of 1992), the Contractor hereby stipulates that the Contractor either (a) has no business operations in Northern Ireland, or (b) shall take lawful steps in good faith to conduct any business operations in Northern Ireland in accordance with the MacBride Fair Employment Principles (as described in Section 165 of the New York State Finance Law), and shall permit independent monitoring of compliance with such principles.

20. OMNIBUS PROCUREMENT ACT OF 1992. It is the policy of New York State to maximize opportunities for the participation of New York State business enterprises, including minority and women-owned business enterprises as bidders, subcontractors and suppliers on its procurement contracts. Information on the availability of New York State subcontractors and suppliers is available from:

NYS Department of Economic Development
Division for Small Business
Albany, New York 12245
Telephone: 518-292-5100
Fax: 518-292-5884
email: opa@esd.ny.gov

A directory of certified minority and women-owned business enterprises is available from:

NYS Department of Economic Development
Division of Minority and Women's Business Development
633 Third Avenue
New York, NY 10017
212-803-2414
email: mwbecertification@esd.ny.gov
<https://ny.newnycontracts.com/FrontEnd/VendorSearchPublic.asp>

The Omnibus Procurement Act of 1992 requires that by signing this bid proposal or contract, as applicable, Contractors certify that whenever the total bid amount is greater than \$1 million:

(a) The Contractor has made reasonable efforts to encourage the participation of New York State Business Enterprises as suppliers and subcontractors, including certified minority and women-owned business enterprises, on this project, and has retained the documentation of these efforts to be provided upon request to the State;

(b) The Contractor has complied with the Federal Equal Opportunity Act of 1972 (P.L. 92-261), as amended;

(c) The Contractor agrees to make reasonable efforts to provide notification to New York State residents of employment opportunities on this project through listing any such positions with the Job Service Division of the New York State Department of Labor, or providing such notification in such manner as is consistent with existing collective bargaining contracts or agreements. The Contractor agrees to document these efforts and to provide said documentation to the State upon request; and

(d) The Contractor acknowledges notice that the State may seek to obtain offset credits from foreign countries as a result of this contract and agrees to cooperate with the State in these efforts.

21. RECIPROCITY AND SANCTIONS PROVISIONS. Bidders are hereby notified that if their principal place of business is located in a country, nation, province, state or political subdivision that penalizes New York State vendors, and if the goods or services they offer will be substantially produced or performed outside New York State, the Omnibus Procurement Act 1994 and 2000 amendments (Chapter 684 and Chapter 383, respectively) require that they be denied contracts which they would otherwise obtain. NOTE: As of May 15, 2002, the list of discriminatory jurisdictions subject to this provision includes the states of South Carolina, Alaska, West Virginia, Wyoming, Louisiana and Hawaii. Contact NYS Department of Economic Development for a current list of jurisdictions subject to this provision.

22. COMPLIANCE WITH NEW YORK STATE INFORMATION SECURITY BREACH AND NOTIFICATION ACT. Contractor shall comply with the provisions of the New York State Information Security Breach and Notification Act (General Business Law Section 899-aa; State Technology Law Section 208).

23. COMPLIANCE WITH CONSULTANT DISCLOSURE LAW. If this is a contract for consulting services, defined for purposes of this requirement to include analysis, evaluation, research, training, data processing, computer programming, engineering, environmental, health, and mental health services, accounting, auditing, paralegal, legal or similar services, then, in accordance with Section 163 (4-g) of the State Finance Law (as amended by Chapter 10 of the Laws of 2006), the Contractor shall timely, accurately and properly comply with the requirement to submit an annual employment report for the contract to the agency that awarded the contract, the Department of Civil Service and the State Comptroller.

24. PROCUREMENT LOBBYING. To the extent this agreement is a "procurement contract" as defined by

State Finance Law Sections 139-j and 139-k, by signing this agreement the contractor certifies and affirms that all disclosures made in accordance with State Finance Law Sections 139-j and 139-k are complete, true and accurate. In the event such certification is found to be intentionally false or intentionally incomplete, the State may terminate the agreement by providing written notification to the Contractor in accordance with the terms of the agreement.

25. CERTIFICATION OF REGISTRATION TO COLLECT SALES AND COMPENSATING USE TAX BY CERTAIN STATE CONTRACTORS, AFFILIATES AND SUBCONTRACTORS.

To the extent this agreement is a contract as defined by Tax Law Section 5-a, if the contractor fails to make the certification required by Tax Law Section 5-a or if during the term of the contract, the Department of Taxation and Finance or the covered agency, as defined by Tax Law 5-a, discovers that the certification, made under penalty of perjury, is false, then such failure to file or false certification shall be a material breach of this contract and this contract may be terminated, by providing written notification to the Contractor in accordance with the terms of the agreement, if the covered agency determines that such action is in the best interest of the State.

26. IRAN DIVESTMENT ACT. By entering into this Agreement, Contractor certifies in accordance with State Finance Law §165-a that it is not on the "Entities Determined to be Non-Responsive Bidders/Offerers pursuant to the New York State Iran Divestment Act of 2012" ("Prohibited Entities List") posted at: <http://www.ogs.ny.gov/about/reggs/docs/ListofEntities.pdf>

Contractor further certifies that it will not utilize on this Contract any subcontractor that is identified on the Prohibited Entities List. Contractor agrees that should it seek to renew or extend this Contract, it must provide the same certification at the time the Contract is renewed or extended. Contractor also agrees that any proposed Assignee of this Contract will be required to certify that it is not on the Prohibited Entities List before the contract assignment will be approved by the State.

During the term of the Contract, should the state agency receive information that a person (as defined in State Finance Law §165-a) is in violation of the above-referenced certifications, the state agency will review such information and offer the person an opportunity to respond. If the person fails to demonstrate that it has ceased its engagement in the investment activity which is in violation of the Act within 90 days after the determination of such violation, then the state agency shall take such action as may be appropriate and provided for by law, rule, or contract, including, but not limited to, imposing sanctions, seeking compliance, recovering damages, or declaring the Contractor in default.

The state agency reserves the right to reject any bid, request for assignment, renewal or extension for an entity that appears on the Prohibited Entities List prior to the award, assignment, renewal or extension of a contract, and to pursue a responsibility review with respect to any entity that is awarded a contract and appears on the Prohibited Entities list after contract award.

January 2014

APPENDIX A-1 G
GENERAL ASSURANCES

- A. In the event that the Contractor shall receive, from any source whatsoever, sums the payment of which is in consideration for the same costs and services provided to the State, the monetary obligation of the State hereunder shall be reduced by an equivalent amount provided, however, that nothing contained herein shall require such reimbursement where additional similar services are provided and no duplicative payments are received.
- B. This agreement is subject to applicable Federal and State Laws and regulations and the policies and procedures stipulated in the NYS Education Department Fiscal Guidelines found at <http://www.nysed.gov/cafe/>.
- C. For each individual for whom costs are claimed under this agreement, the contractor warrants that the individual has been classified as an employee or as an independent contractor in accordance with 2 NYCRR 315 and all applicable laws including, but not limited to, the Internal Revenue Code, the New York Retirement and Social Security Law, the New York Education Law, the New York Labor Law, and the New York Tax Law. Furthermore, the contractor warrants that all project funds allocated to the proposed budget for Employee Benefits, represent costs for employees of the contractor only and that such funds will not be expended on any individual classified as an independent contractor.
- D. Any modification to this Agreement that will result in a transfer of funds among program activities or budget cost categories, but does not affect the amount, consideration, scope or other terms of this Agreement must be approved by the Commissioner of Education and the Office of the State Comptroller when:
 - a. The amount of the modification is equal to or greater than ten percent of the total value of the contract for contracts of less than five million dollars; or
 - b. The amount of the modification is equal to or greater than five percent of the total value of the contract for contracts of more than five million dollars.
- E. Funds provided by this contract may not be used to pay any expenses of the State Education Department or any of its employees.

Terminations

- A. The State may terminate this Agreement without cause by thirty (30) days prior written notice. In the event of such termination, the parties will adjust the accounts due and the Contractor will undertake no additional expenditures not already required. Upon any such termination, the parties shall endeavor in an orderly manner to wind down activities hereunder.

Responsibility Provisions

A. General Responsibility Language

The Contractor shall at all times during the Contract term remain responsible. The Contractor agrees, if requested by the Commissioner of Education or his or her designee, to present evidence of its continuing legal authority to do business in New York State, integrity, experience, ability, prior performance, and organizational and financial capacity.

B. Suspension of Work (for Non-Responsibility)

The Commissioner of Education or his or her designee, in his or her sole discretion, reserves the right to suspend any or all activities under this Contract, at any time, when he or she discovers information that calls into question the responsibility of the Contractor. In the event of such suspension, the Contractor will be given written notice outlining the particulars of such suspension. Upon issuance of such notice, the Contractor must comply with the terms of the suspension order.

Contract activity may resume at such time as the Commissioner of Education or his or her designee issues a written notice authorizing a resumption of performance under the Contract.

C. Termination (for Non-Responsibility)

Upon written notice to the Contractor, and a reasonable opportunity to be heard with appropriate SED officials or staff, the Contract may be terminated by the Commissioner of Education or his or her designee at the Contractor's expense where the Contractor is determined by the Commissioner of Education or his or her designee to be non-responsible. In such event, the Commissioner or his or her designee may complete the contractual requirements in any manner he or she may deem advisable and pursue available legal or equitable remedies for breach.

Safeguards for Services and Confidentiality

- A. Any copyrightable work produced pursuant to said agreement shall be the sole and exclusive property of the New York State Education Department. The material prepared under the terms of this agreement by the Contractor shall be prepared by the Contractor in a form so that it will be ready for copyright in the name of the New York State Education Department. Should the Contractor use the services of consultants or other organizations or individuals who are not regular employees of the Contractor, the Contractor and such organization or individual shall, prior to the performance of any work pursuant to this agreement, enter into a written agreement, duly executed, which shall set forth the services to be provided by such organization or individual and the consideration therefor. Such agreement shall provide that any copyrightable work produced pursuant to said agreement shall be the sole and exclusive property of the New York State Education Department and that such work shall be prepared in a form ready for copyright by the New York State Education Department. A copy of such agreement shall be provided to the State.
- B. All reports of research, studies, publications, workshops, announcements, and other activities funded as a result of this proposal will acknowledge the support provided by the State of New York.
- C. This agreement cannot be modified, amended, or otherwise changed except by a written agreement signed by all parties to this contract.
- D. No failure to assert any rights or remedies available to the State under this agreement shall be considered a waiver of such right or remedy or any other right or remedy unless such waiver is contained in a writing signed by the party alleged to have waived its right or remedy.
- E. Expenses for travel, lodging, and subsistence shall be reimbursed in accordance with the policies stipulated in the aforementioned Fiscal guidelines.
- F. No fees shall be charged by the Contractor for training provided under this agreement.
- G. Nothing herein shall require the State to adopt the curriculum developed pursuant to this agreement.
- H. All inquiries, requests, and notifications regarding this agreement shall be directed to the Program Contact or Fiscal Contact shown on the Grant Award included as part of this agreement.
- I. This agreement, including all appendices, is, upon signature of the parties and the approval of the Attorney General and the State Comptroller, a legally enforceable contract. Therefore, a signature on behalf of the Contractor will bind the Contractor to all the terms and conditions stated therein.
- J. The parties to this agreement intend the foregoing writing to be the final, complete, and exclusive expression of all the terms of their agreement.

Iran Divestment Act

As a result of the Iran Divestment Act of 2012 (Act), Chapter 1 of the 2012 Laws of New York, a new provision has been added to the State Finance Law (SFL), § 165-a, effective April 12, 2012. Under the Act, the Commissioner of the Office of General Services (OGS) will be developing a list (prohibited entities list) of "persons" who are engaged in "investment activities in Iran" (both are defined terms in

the law). Pursuant to SFL § 165-a(3)(b), the initial list is expected to be issued no later than 120 days after the Act's effective date, at which time it will be posted on the OGS website.

By entering into this Contract, Contractor (or any assignee) certifies that once the prohibited entities list is posted on the OGS website, it will not utilize on such Contract any subcontractor that is identified on the prohibited entities list.

Additionally, Contractor agrees that after the list is posted on the OGS website, should it seek to renew or extend the Contract, it will be required to certify at the time the Contract is renewed or extended that it is not included on the prohibited entities list. Contractor also agrees that any proposed Assignee of the Contract will be required to certify that it is not on the prohibited entities list before SED may approve a request for Assignment of Contract

During the term of the Contract, should SED receive information that a person is in violation of the above-referenced certification, SED will offer the person an opportunity to respond. If the person fails to demonstrate that it has ceased its engagement in the investment which is in violation of the Act within 90 days after the determination of such violation, then SED shall take such action as may be appropriate including, but not limited to, imposing sanctions, seeking compliance, recovering damages, or declaring the Contractor in default.

SED reserves the right to reject any request for assignment for an entity that appears on the prohibited entities list prior to the award of a contract, and to pursue a responsibility review with respect to any entity that is awarded a contract and appears on the prohibited entities list after contract award.



THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, NY
12234

APPENDIX B
STATEMENT OF ASSURANCES

Statewide Universal Full-Day Prekindergarten Program 2014-2015
Statement of Assurances Attestation Cover Page

Applicant:	Contact Person:
Address: City: Zip Code:	Title:
	Telephone:
	Fax:
	E-Mail:
County:	Funding Requested:
<p>I hereby certify that I am the applicant's chief school/administrative officer and that the information contained in this application is, to the best of my knowledge, complete and accurate. I further certify, to the best of my knowledge, that any ensuing program and activity will be conducted in accordance with all applicable Federal and State laws and regulations, application guidelines and instructions, and Assurances, and that the requested budget amounts are necessary for the implementation of this project. It is understood by the applicant that this application constitutes an offer and, if accepted by the NYS Education Department or renegotiated to acceptance, will form a binding agreement. It is also understood by the applicant that immediate written notice will be provided to the grant program office if at any time the applicant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.</p>	
Authorized Signature (in blue ink)	Title:
Typed Name:	Date:

Statement of Assurances

As Chief School Officer or Chief Executive Officer, I have signed the cover page assuring that the school district and/or each participating agency provider will operate according to Education Law §§ 3602-e and, 3602-ee and Subpart 151-1 of the Commissioner's Regulations. Specifically, I assure the school district and/or the eligible entity will:

1. Adopt and implement age and developmentally appropriate curriculum and activities that are learner-centered across all settings and based on the New York State Prekindergarten Foundation for the Common Core;
2. Adopt and implement approved quality standards in accordance with this RFP;
3. Screen all enrolled prekindergarten students in all prekindergarten sites in accordance with Part 117 of the Commissioner's regulations;
4. Provide for an evaluation of the development of language, cognitive and social skills of all enrolled prekindergarten students;
5. Ensure that people with disabilities are able to access the program site as required by the Americans with Disabilities Act of 1990;
6. Ensure that the measures of student outcomes will not be used to prohibit or discourage a child's enrollment in kindergarten;
7. Ensure continuity between all prekindergarten classrooms and instruction in kindergarten and the early elementary grades;
8. Encourage students to be self-assured and independent;
9. Encourage the participation, inclusion and integration of preschool students with disabilities and provide all required supports as well as those necessary to ensure that preschool students with disabilities can access, participate and progress in the curriculum;
10. Encourage the participation, inclusion and integration of English language learners and provide all required supports as well as those necessary to ensure that English language learners can access, participate and progress in the curriculum;
11. Recognize preschool special education providers as eligible agencies to receive funds to establish UPK classes in the community.
12. Provide equal access for parents of all children, with or without disabilities, and those who are and who are not English language learners, for opportunities to actively participate in all phases of the program, including volunteering in classes, serving as chaperones for field trips and, if applicable, serving on the UPK program's Advisory Board.

13. Utilize staff who meet the qualifications set forth in Section 3602-ee of the Education Law;
14. Provide for strong parent partnerships and parent involvement in the education of their students;
15. Provide professional development, integrated with Kindergarten - Third Grade, for staff and teachers in all public and non-public prekindergarten classrooms based upon the instructional needs of students (including but not limited to the instructional needs of students with disabilities and English language learners);
16. Establish a method for selection of eligible students to receive prekindergarten program services on a random basis when there are more eligible students than can be served in a given school year, except as provided in a plan for prioritizing or targeting enrollment;
17. Provide supervision for all classrooms regardless of setting. School districts are also responsible for supervision of prekindergarten classrooms in all entities included in its consolidated application;
18. Adopt and use proper methods of administering each program, including (a) the enforcement of any obligations imposed by law on agencies, institutions, organizations and other recipients for carrying out each program; and (b) the correction of deficiencies in program operations that are identified through audits, monitoring or evaluation;
19. Use such fiscal control and fund accounting procedures as will ensure proper disbursement of, and accounting for, funds under each program;
20. Maintain on file a detailed accounting of grant expenditures including other sources of funding used, including local tax levy, to support the prekindergarten program;
21. Only use Statewide Universal Full-Day Pre-Kindergarten Program funds to supplement and not supplant current local expenditures of federal, state, or local funds on prekindergarten programs and the number of slots in such programs from such sources. Current local expenditures shall include any local expenditures of federal, state, or local funds used to supplement or extend services provided directly or via contract to eligible children enrolled in universal prekindergarten programs pursuant to Section 3602-e of the Education Law.
22. Agree to participate in any independent evaluation conducted by the State of the effectiveness of the prekindergarten program, which shall include providing information requested by the Department including but not limited to: a summary of student progress, determined in a manner approved by the Department; identification of best practices in innovative and creative program delivery; and other program quality indicators as determined by the Commissioner;
23. Make reports to the State Education Department as may be necessary to enable the Department to perform its duties under the program;

24. Provide access to all records, property and personnel related to the program during any inspections, monitoring or audits conducted pursuant to this program;
25. Ensure that each facility providing prekindergarten meets all applicable fire and safety and building codes and any applicable facility requirements of a state or local licensing or registering agency and at all times shall maintain building and classroom space in a manner that ensures and protects the health and safety of students in the program;
26. Ensure that the program is administered in full compliance with Education Law §§ 305(44), 3602-e(15) (as added by Chapter 56 of the Laws of 2014), and 8 NYCRR Sections 100.3(a)(5), 151-1.2(e), and 151-1.3(b)(4), which prohibit the administration of traditional standardized tests, in prekindergarten programs (including Universal Prekindergarten programs); and
27. Maintain a list of all prekindergarten providers on file and provide to the State Education Department as requested:
 - The number of prekindergarten students,
 - The number of preschool students with disabilities with individualized education programs,
 - The number of English language learners,
 - The number of prekindergarten teachers, and
 - The type of certification with a three-year plan for each teacher who is not certified in accordance with the requirements articulated in this RFP.

For school districts submitting consolidated applications only:

- Assure that the application and renewal processes take into account any record of violations of health and safety codes and/or licensure or registration requirements;
- Assure that the district will maintain on file and provide to the State Education Department as requested:
 - A description of the school district's solicitation and process for collaboration,
 - A copy of any contracts or agreements between the collaborative agencies and the school district to implement a prekindergarten program, and
 - A description of the process used to randomly select eligible students for enrollment when there are more applicants than available placements; and
- Assure that the school district has either submitted a request for a collaboration variance (Appendix D) or that its consolidated application demonstrates:
 - geographic diversity within the area to be served, and
 - collaboration with a diversity of providers.

APPENDIX D
COLLABORATION VARIANCE REQUEST

Variance	Requested		Required Documentation – Attach additional pages as needed.
	Yes	No	
<p>Class size: Section 3602-e allows for a variance to class size based upon the unique characteristics of the program at the Universal Prekindergarten site or to promote inclusion of preschool children with disabilities or children who are homeless.</p>			<p>Describe the unique characteristics of the site, the desired class size and why the variance is needed. Describe how the district will ensure appropriate child/staff ratios and meet program requirements.</p>
<p>Collaboration requirement: Section 3602-e allows for a variance from the collaboration requirement based on documented evidence that the district has been unable to develop a collaborative arrangement for reasons that are outside the control of the district. New York City Community School Districts may not apply for this variance.</p>			<p>Describe the district's extensive efforts to identify and recruit eligible agencies and the reasons for not collaborating. Allowable reasons include: there are no eligible agencies; existing agencies are not interested or able to collaborate with the district; or there is good cause for not entering into a contract.</p>

M/WBE Documents

M/WBE Goal Calculation Worksheet

RFP # and Title: _____

Applicant Name: _____

The M/WBE participation for this grant is 20% of each applicant's total discretionary non-personal service budget over the entire term of the grant. Discretionary non-personal service budget is defined as the total budget, excluding the items set forth below.

Please complete the following table to determine the dollar amount of the M/WBE goal for this grant application.

Calculation of M/WBE Goal

	<u>Budget Category</u>	<u>Amount budgeted for items excluded from M/WBE calculation</u>	<u>Totals</u>
1.	Total Year 1 Budget		
2.	Professional Salaries		
3.	Support Staff Salaries		
4.	Fringe Benefits		
5.	For consolidated applications, that portion of the budget in purchased services representing programs offered by schools, non-profit organizations, community-based organizations (as defined), charter schools, libraries and/or museums that demonstrate a geographic diversity within the area to be served as well as diversity of providers.		
6.	Indirect Costs		
7.	Sum of lines 2, 3 ,4 ,5, 6		
8.	Line 1 minus Line 7		
9.	M/WBE Goal percentage (20%)		.20
10.	Line 8 multiplied by Line 9 =M/WBE goal amount		

M/WBE COVER LETTER**Minority & Woman-Owned Business Enterprise Requirements****NAME OF GRANT PROGRAM**_____**NAME OF APPLICANT/BIDDER**_____

In accordance with the provisions of Article 15-A of the NYS Executive Law, 5 NYCRR Parts 140-144, Section 163 (6) of the NYS Finance Law and Executive Order #8 and in fulfillment of the New York State Education Department (NYSED) policies governing Equal Employment Opportunity and Minority and Women-Owned Business Enterprise (M/WBE) participation, it is the intention of the New York State Education Department to provide real and substantial opportunities for certified Minority and Women-Owned Business Enterprises on all State contracts. It is with this intention the NYSED has assigned M/WBE participation goals to this contract.

In an effort to promote and assist in the participation of certified M/WBEs as subcontractors and suppliers on this project for the provision of services and materials, the bidder is required to comply with NYSED's participation goals through one of the three methods below. Please indicate which one of the following is included with the M/WBE Documents Submission.

- ☐ Full Participation – No Request for Waiver (PREFERRED)
- ☐ Partial Participation – Partial Request for Waiver
- ☐ No Participation – Request for Complete Waiver

By my signature on this Cover Letter, I certify that I am authorized to bind the Bidder's firm contractual
Typed or Printed Name of Authorized Representative of the Firm
Typed or Printed Title/Position of Authorized Representative of the Firm
Signature/Date

M/WBE UTILIZATION PLAN

INSTRUCTIONS: All bidders submitting responses to this procurement must complete this M/WBE Utilization Plan unless requesting a total waiver and submit it as part of their proposal. The plan must contain detailed description of the services to be provided by each Minority and/or Women-Owned Business Enterprise (M/WBE) identified by the bidder.

Bidder's Name _____ Telephone: _____
Address _____ Federal ID No.: _____
City, State, Zip _____ RFP No.: _____

Certified M/WBE	Classification (check all applicable)	Description of Work (Subcontracts/Supplies/Services)	Annual Dollar Value of Subcontracts/Supplies/Services
NAME ADDRESS CITY, ST, ZIP PHONE/E-MAIL FEDERAL ID No.	NYS ESD Certified MBE _____ WBE _____		\$ _____
NAME ADDRESS CITY, ST, ZIP PHONE/E-MAIL FEDERAL ID No.	NYS ESD Certified MBE _____ WBE _____		\$ _____

PREPARED BY (Signature) _____ DATE _____

SUBMISSION OF THIS FORM CONSTITUTES THE BIDDER'S ACKNOWLEDGEMENT AND AGREEMENT TO COMPLY WITH THE M/WBE REQUIREMENTS SET FORTH UNDER NYS EXECUTIVE LAW, ARTICLE 15-1, 5 NYCRR PART 143 AND THE ABOVE REFERENCE SOLICITATION. FAILURE TO SUBMIT COMPLETE AND ACCURATE INFORMATION MAY RESULT IN A FINDING OF NONCOMPLIANCE AND/OR PROPOSAL DISQUALIFICATION.

NAME AND TITLE OF PREPARER: _____
(print or type)

TELEPHONE/E-MAIL _____

DATE _____

MWBE 100

REVIEWED BY _____	DATE _____
UTILIZATION PLAN APPROVED YES/NO	DATE _____
NOTICE OF DEFICIENCY ISSUED YES/NO	DATE _____
NOTICE OF ACCEPTANCE ISSUED YES/NO	DATE _____

NOTICE OF INTENT TO PARTICIPATE

Bidder Name: _____ Federal ID No.: _____

Address: _____ Phone No.: _____

City _____ State _____ Zip Code _____ E-mail: _____

Date: _____

Name of M/WBE: _____ Federal ID No.: _____

Address: _____ Phone No.: _____

City, State, Zip Code _____ E-mail: _____

THE UNDERSIGNED IS PREPARED TO PROVIDE SERVICES OR SUPPLIES AS DESCRIBED ABOVE AND WILL ENTER INTO A FORMAL AGREEMENT WITH THE BIDDER CONDITIONED UPON THE BIDDER'S EXECUTION OF A CONTRACT WITH THE NEW YORK STATE EDUCATION DEPARTMENT.

Printed or Typed Name and Title of Authorized Representative

PROJECT/CONTRACT # _____

I, _____
(Bidder/Applicant)_____ of _____
(Title) (Company)_____ () _____
(Address) (Telephone Number)

do hereby submit the following as evidence of our good faith efforts to retain certified minority- and women-owned business enterprises:

(1) Copies of its solicitations of certified minority- and women-owned business enterprises and any responses thereto;

(2) If responses to the contractor's solicitations were received, but a certified minority- or woman-owned business enterprise was not selected, the specific reasons that such enterprise was not selected;

(3) Copies of any advertisements for participation by certified minority- and women-owned business enterprises timely published in appropriate general circulation, trade and minority- or women-oriented publications, together with the listing(s) and date(s) of the publication of such advertisements;

(4) Copies of any solicitations of certified minority- and/or women-owned business enterprises listed in the directory of certified businesses;

(5) The dates of attendance at any pre-bid, pre-award, or other meetings, if any, scheduled by the State agency awarding the State contract, with certified minority- and women-owned business enterprises which the State agency determined were capable of performing the State contract scope of work for the purpose of fulfilling the contract participation goals;

(6) Information describing the specific steps undertaken to reasonably structure the contract scope of work for the purpose of subcontracting with, or obtaining supplies from, certified minority- and women-owned business enterprises.

(7) Describe any other action undertaken by the bidder to document its good faith efforts to retain certified minority - and women- owned business enterprises for this procurement.

Submit additional pages as needed.

Authorized Representative Signature_____
Date

M/WBE CONTRACTOR UNAVAILABLE CERTIFICATION

RFP#/PROJECT NAME _____

I, _____ (Authorized Representative) _____ (Title) _____ (Bidder/Applicant's Company)

_____ (Address) _____ (Phone)

I certify that the following New York State Certified Minority/Women Business Enterprises were contacted to obtain a quote for work to be performed on the abovementioned project/contract.

List of date, name of M/WBE firm, telephone/e-mail address of M/WBEs contacted, type of work requested, estimated budgeted amount for each quote requested.

<u>DATE</u>	<u>M/WBE NAME</u>	<u>PHONE/EMAIL</u>	<u>TYPE OF WORK</u>	<u>ESTIMATED BUDGET</u>	<u>REASON</u>
1.					
2.					
3.					
4.					
5.					

To the best of my knowledge and belief, said New York State Certified Minority/Women Business Enterprise contractor(s) was/were not selected, unavailable for work on this project, or unable to provide a quote for the following reasons: Please check appropriate reasons given by each MBE/WBE firm contacted above.

- _____ **A.** Did not have the capability to perform the work
- _____ **B.** Contract too small
- _____ **C.** Remote location
- _____ **D.** Received solicitation notices too late
- _____ **E.** Did not want to work with this contractor
- _____ **F.** Other (give reason) _____

Authorized Representative Signature
M/WBE 105A

Date

Print Name

REQUEST FOR WAIVER FORM

BIDDER/APPLICANT NAME:	TELEPHONE:
	EMAIL:
ADDRESS:	FEDERAL ID NO.:
CITY, STATE, ZIPCODE:	RFP#/PROJECT NO.:

INSTRUCTIONS: By submitting this form and the required information, the bidder/applicant certifies that Good Faith Efforts have been taken to promote M/WBE participation pursuant to the M/WBE goals set forth under this RFP/Contract. Please see Page 2 for additional requirements and document submission instructions.

BIDDER/APPLICANT IS REQUESTING (check all that apply):

<input type="checkbox"/> MBE Waiver - A waiver of the MBE goal for this procurement is requested. <input type="checkbox"/> Total <input type="checkbox"/> Partial _____%	<input type="checkbox"/> WBE Waiver - A waiver of the WBE goal for this procurement is requested. <input type="checkbox"/> Total <input type="checkbox"/> Partial _____%
<input type="checkbox"/> Waiver Pending ESD Certification (check here if subcontractor or supplier is not certified M/WBE, but an application for certification has been filed with Empire State Development)	
Subcontractor/Supplier Name: _____ Date of application filing: _____	

PREPARED BY (Signature): _____ DATE: _____

SUBMISSION OF THIS FORM CONSTITUTES THE BIDDER/APPLICANT'S ACKNOWLEDGEMENT AND AGREEMENT TO COMPLY WITH THE M/WBE REQUIREMENTS SET FORTH UNDER NYS EXECUTIVE LAW, ARTICLE 15-A, 5 NYCRR PART 143, AND THE ABOVE REFERENCED SOLICITATION. FAILURE TO SUBMIT COMPLETE AND ACCURATE INFORMATION MAY RESULT IN A FINDING OF NONCOMPLIANCE AND/OR PROPOSAL DISQUALIFICATION.

NAME OF PREPARER:	FOR AUTHORIZED USE ONLY REVIEWED BY: _____ DATE: _____ WAIVER GRANTED <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> TOTAL WAIVER <input type="checkbox"/> PARTIAL WAIVER <input type="checkbox"/> ESD CERTIFICATION WAIVER <input type="checkbox"/> NOTICE OF DEFICIENCY <input type="checkbox"/> CONDITIONAL WAIVER COMMENTS:
TITLE OF PREPARER:	
TELEPHONE:	
EMAIL:	

REQUIREMENTS AND DOCUMENT SUBMISSION INSTRUCTIONS

When completing the Request for Waiver Form, please check all boxes that apply. To be considered, the Request for Waiver Form must be accompanied by documentation for items 1-11, as listed below. If a Waiver Pending ESD Certification is requested, please see Item 11 below. Copies of the following information and all relevant supporting documentation must be submitted along with the request.

1. A statement setting forth your basis for requesting a partial or total waiver.
2. The names of general circulation, trade association, and M/WBE-oriented publications in which you solicited certified M/WBEs for the purposes of complying with your participation goals.
3. A list identifying the date(s) that all solicitations for certified M/WBE participation were published in any of the above publications.
4. A list of all certified M/WBEs appearing in the NYS Directory of Certified Firms that were solicited for purposes of complying with your certified M/WBE participation levels.
5. Copies of notices, dates of contact, letters, and other correspondence as proof that solicitations were made in writing and copies of such solicitations, or a sample copy of the solicitation if an identical solicitation was made to all certified M/WBEs.
6. Provide copies of responses made by certified M/WBEs to your solicitations.
7. Provide a description of any contract documents, plans, or specifications made available to certified M/WBEs for purposes of soliciting their bids and the date and manner in which these documents were made available.
8. Provide documentation of any negotiations between you, the Bidder/Applicant and the M/WBEs undertaken for purposes of complying with the certified M/WBE participations goals.
9. Provide any other information you deem relevant which may help us in evaluating your request for a waiver.
10. Provide the name, title, address, telephone number and email address of the Bidder/Applicant's representative authorized to discuss and negotiate this waiver request.
11. Copy of notice of application receipt issued by Empire State Development (ESD).

NOTE: Unless a Total Waiver has been granted, Bidder/Applicant will be required to submit all reports and documents pursuant to the provisions set forth in the procurement and/or contract, as deemed appropriate by NYSED, to determine M/WBE compliance.

EQUAL EMPLOYMENT OPPORTUNITY - STAFFING PLAN (Instructions on Page 2)

Applicant Name: _____

Telephone: _____

Address: _____

Federal ID No.: _____

City, State, ZIP: _____

Project No: _____

Report includes:

☐ Work force to be utilized on this contract OR

☐ Applicant's total work force

Enter the total number of employees in each classification in each of the EEO-Job Categories identified.

EEO - Job Categories	Total Work Force	Race/Ethnicity - report employees in only one category																	
		Hispanic or Latino		Not-Hispanic or Latino															
				Male								Female							
		Male	Female	White	African-American or Black	Native Hawaiian or Other Pacific Islander	Asian	American Indian or Alaska Native	Two or More Races	Disabled	Veteran	White	African-American	or Other Pacific Islander	Asian	American Indian or Alaska Native	Two or More Races	Disabled	Veteran
Executive/Senior Level Officials and Managers																			
First/Mid-Level Officials and Managers																			
Professionals																			
Technicians																			
Sales Workers																			
Administrative Support Workers																			
Craft Workers																			
Operatives																			
Laborers and Helpers																			
Service Workers																			
TOTAL																			

PREPARED BY (Signature): _____

DATE: _____

NAME AND TITLE OF PREPARER: _____

TELEPHONE/EMAIL: _____

(Print or type)

STAFFING PLAN INSTRUCTIONS

General Instructions: All Bidders/Applicants in the proposal/application must complete an EEO Staffing Plan (EEO 100) and submit it as part of the package. Where the work force to be utilized in the performance of the State contract/project can be separated out, the Bidder/Applicant shall complete this form only for the anticipated work force to be utilized on the State contract/project. Where the work force to be utilized in the performance of the State contract/project cannot be separated out, the Bidder/Applicant shall complete this form for Bidder/Applicant's total work force.

Instructions for Completing:

1. Enter the Project number that this report applies to, along with the name, address, and federal ID number of the Bidder.
2. Check the appropriate box to indicate if the work force being reported is just for the contract/project or the Bidder/Applicant's total work force.
3. Check off the appropriate box to indicate if the Bidder completing the report is the contractor or subcontractor.
4. Enter the total work force by EEO job category.
5. Break down the total work force by gender and race/ethnic background and enter under the heading Race/Ethnicity. Contact the M/WBE Coordinator, mwbe@mail.nyused.gov, if you have any questions.
6. Enter the name, title, phone number and email address for the person completing the form. Sign and date the form in designated areas.

RACE/ETHNIC IDENTIFICATION

For purposes of this form NYSED will accept the definitions of race/ethnic designations used by the federal Equal Employment Opportunity Commission (EEOC), as those definitions are described below or amended hereafter. (Be advised these terms may be defined differently for other purposes under NYS statutory, regulatory, or case law). Race/ethnic designations as used by the EEOC do not denote scientific definitions of anthropological origins. For the purposes of this report, an employee may be included in the group to which he or she appears to belong, identifies with, or is regarded in the community as belonging. The race/ethnic categories for this survey are:

- **Hispanic or Latino** - A person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin regardless of race.
- **White (Not Hispanic or Latino)** - A person having origins in any of the original peoples of Europe, the Middle East, or North Africa.
- **Black or African American (Not Hispanic or Latino)** - A person having origins in any of the black racial groups of Africa.
- **Native Hawaiian or Other Pacific Islander (Not Hispanic or Latino)** - A person having origins in any of the peoples of Hawaii, Guam, Samoa, or other Pacific Islands.
- **Asian (Not Hispanic or Latino)** - A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian Subcontinent, including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam.
- **American Indian or Alaska Native (Not Hispanic or Latino)** - A person having origins in any of the original peoples of North and South America (including Central America), and who maintain tribal affiliation or community attachment.
- **Two or More Races (Not Hispanic or Latino)** - All persons who identify with more than one of the above five races.
- **Disabled** - Any person who has a physical or mental impairment that substantially limits one or more major life activity; has a record of such an impairment; or is regarded as having such an impairment
- **Vietnam Era Veteran** - a veteran who served at any time between and including January 1, 1963 and May 7, 1975.

EEO 100